

4/23/2009

**GONZAGA UNIVERSITY SCHOOL OF LAW
COURSE CONTENT DESCRIPTIONS**

(Seminars and irregularly offered courses are at the end)

ADMINISTRATIVE LAW

Credits: 3

Prerequisite: Constitutional Law I

The subject concerns the procedures and remedies for resolving controversies between individuals and officials which arise out of the exercise of official powers, the institutions through which those powers are exercised and the problem of delimiting the areas of law and discretion in a variety of administrative contexts. Some attention is given to state and local, as well as federal administrative action and judicial review thereof.

ADMIRALTY

Credits: 3

Admiralty is the body of law (statutory and jurisprudential) regulating the business of carrying passengers and cargo over water. More specifically, admiralty involves those rules that govern contract, tort and worker's compensation claims arising out of commerce on or over water. It is these rules, regulations, and laws which this survey course on maritime law will explore. In particular, the course will cover such topics as maritime jurisdiction, maritime tort and contract law, contracts for carriage of goods, and marine insurance.

ADVANCED CRIMINAL PROCEDURE

Credits: 3

Prerequisite: Criminal Procedure

This course covers the most significant of the Federal Rules of Criminal Procedure, the body of constitutional case law concerning the criminal trial process (with particular emphasis on the Double Jeopardy Clause), as well as the relevant federal statutes such as the Bail Reform Act and the Sentencing Reform Act. Topics include: Bail and pre-trial detention; prosecutorial charging discretion; the role of preliminary hearings; grand jury proceedings; the requirement of a speedy trial; criminal discovery; indictments and other charging instruments; prejudicial pre-trial publicity; joinder and severance; guilty pleas; double jeopardy; and sentencing.

ADVANCED FEDERAL INDIAN LAW

Credits: 3

Prerequisite: Federal Indian Law

Recommended: Federal Jurisdiction or Conflict of Laws

This course provides for an intensive examination of the basic doctrines and principles of, as well as the constitutional and statutory limits on, legislative and judicial powers of federally-recognized Indian tribes and how such limits have shaped not only jurisprudence, but the perception of the role of Indian tribes in the American political system. This course will also

4/23/2009

examine how these basic doctrines and principles apply to persons who engage in commercial activity and consensual relations in Indian Country. Major topics include congressional power to control criminal and civil jurisdiction (regulatory and adjudicatory jurisdiction) exercised by Indian tribes, source of immunity under Indian law, contract drafting and negotiating, rules of procedure in courts of Indian tribes, enforcement of Indian court judgments in federal and state court and tribal recognition of foreign public acts and deeds and judgments, and the power of the courts of Indian tribes to grant and enforce relief against Indian government and their governmental officials and officers. Grades will be based on a final examination, but other performance measures such as a paper should not be precluded.

ADVANCED TRADEMARK & UNFAIR COMPETITION LAW

Credits: 2

Prerequisite: Intellectual Property

This course builds upon the Intellectual Property survey course, using the Lanham Act to address the adoption, registration, maintenance and enforcement of trademarks; false advertising, dilution, counterfeiting and other aspects of unfair competition; and the relevant defenses and available remedies. Students will be introduced to the advantages of federal trademark protection and will learn key aspects of practice before the U.S. Patent and Trademark Office, including trademark prosecution and the handling of opposition, cancellation and concurrent use proceedings. Measures for international protection, including the Madrid Protocol, are covered, as are issues of branding and domain name protection. Rights in trademark at common law and the state law right of publicity are addressed.

AGENCY AND PARTNERSHIP

Credits: 3

This course introduces students to basic common-law agency principles and covers the formation and operation of general partnerships.

ALTERNATIVE DISPUTE RESOLUTION

Credits: 2

The goal of this course is to provide students with an understanding of the full range of dispute resolution processes including interviewing and counseling, negotiation, mediation, arbitration, and mixed processes, such as the mini-trial. The over-all objectives are to give the students familiarity with these processes, rudimentary skills in using them, and some experience in how to help a client choose or build the most appropriate dispute resolution or prevention process.

The classes will include lectures, demonstrations (video taped and live), discussions and simulations. Students will be asked to do written work in the form of a journal. The journal is to include the student's observations, reflections, comments on the readings, handouts, simulations and class lecture. The observations can also include a student's life and work experiences as they relate to the subject areas covered in class. The journal may also include specific assignments such as the answer to questions posed during a simulation exercise. The journal requirement is based on the belief that the ability of a law student to reflect on and learn from one's own experiences is an essential part of learning to be a lawyer. The grade in this course is

based on the submission of the journal at the end of the semester.

BANKRUPTCY

Credits: 3

Recommended: Creditors' Rights

This course is designed primarily to introduce students to our system of federal bankruptcy law, a subject which permeates almost every area of legal practice. The course will focus on how the Bankruptcy Code modifies creditors non-bankruptcy rights and how it protects debtors. The key general concepts studied will include: the bankruptcy estate; the different classifications of claims; exemptions; discharge; the automatic stay; preferences; and fraudulent transfers. In examining the different types of bankruptcy proceedings, the course will begin with the rules for liquidations, then explore individual reorganizations, and then finish with an overview of business reorganizations. Throughout the course certain policy aspects of the Bankruptcy Code will be explored.

BUSINESS PLANNING

Credits: 2

Prerequisites: Any three of the following: Agency & Partnership, Corporations, Securities Regulation, or Taxation of Business Entities

Recommended but not Required: Taxation of Gifts & Estates

This is an advanced seminar for third-year students. A hypothetical law firm is organized by students and guided by the professor in a realistic simulation. A series of relatively complex interrelated personal and business projects are addressed for a hypothetical client.

CITIES & TOWNS, LAW OF

Credits: 3

Recommended: Constitutional Law I & II & Administrative Law

This course examines types and characteristics of local government units; sources of authority; and limitations on exercise of authority, both legislative and judicial. In addition, the course introduces the student to substantive doctrines which govern major local government activities. Particular attention is given to: (1) exercise of the police power; (2) financing local government; and (3) civil rights suits under 42 U.S.C. Sec 1983.

CIVIL PROCEDURE (R)

Credits: 4

This course examines the civil litigation system. Major topics include:

- Personal jurisdiction and basic due process
- Subject matter jurisdiction
- Venue, transfer, and forum non conveniens
- Erie doctrine (choice of law in diversity cases)
- Pleading (including Rule 12 motions and Rule 11 obligations)
- Joinder (not including class actions or interpleader)
- 7th Amendment right to jury trial
- Post-trial motions
- Claim & issue preclusion.

CLINICAL COURSES

Gonzaga Law School provides clinical education opportunities for upper-class students of two types: (1) an in-house dispute resolution clinic under the direct supervision of six full-time faculty members; and (2) various out placement clinics - I.3., externships - under the direct supervision of governmental agency or private law office attorney supervisors and a full-time faculty clinical director.

The in-house clinic operates as a legal services program for low-income clients. Students represent clients in matters involving family law, elder law, Indian and tribal law, consumer law, business law, civil rights law, environmental law and miscellaneous public interest issues. Students have opportunities to learn professional skills and integrate theory and practice by engaging in all aspects of adversarial and alternative dispute resolution, including fact investigation, drafting of legal documents, case planning, discovery, motion practice, negotiation, mediation, and trial and appellate advocacy.

Specific Clinical Law Program Offerings

To be considered for a clinical law position, students are required to fill out an application and go through an interview process. For detailed descriptions of each of the clinical law course offerings, see personnel in the clinic office, or view the clinic web site at www.law.gonzaga.edu/Academic-Program/academics/Legal . Clinic staff and students will also host mid-semester information fairs in the first floor lobby. Applications will be available and the clinical law supervisors will be present to answer questions.

The clinics listed below will be offered during Fall/Spring/Summer semesters. Please see clinic faculty or administration for detailed information.

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|---|----------------|
| ●General Public Interest Practice Section 1(Prof Critchlow) | 3 to 6 credits |
| ●General Public Interest Practice Section 2(Prof Hammer) | 3 to 6 credits |
| ●Elder Law Clinic (Prof Weiser) | 3 tp 6 credits |
| ●Consumer Law Clinic (Prof Weiser) | 3 to 6 credits |
| ●Federal Tax Clinic (Prof Gellner) | 3 credits |
| ●Federal Indian Law Clinic (Prof Kanassatega) | 3 credits |
| ●Business Law Clinic (Prof Faust) | 3 credits |
| ●Environmental Law Clinic (Prof Chappell) | 3 credits |

Registration pre-approval must be obtained by the application process. Contact the Clinical law Office manager, Bonnie White in Ste 101, Rm 125, Ex. 3790. Applications are available on the simplicity website at career services, <https://law.gonzaga-csm.symphlicity.com/students> . Registration will be finalized by the Registrar's Office once a list of eligible students has been submitted. Web registration is not allowed.

Externship Program

The externship clinical program affords a qualified student to earn a maximum of ten externship credits toward graduation. Students may enroll in two to ten externship credits in any given semester. One credit per semester is graded; up to nine credits per semester are pass/fail. To qualify to participate in the externship program, students must be enrolled in, or have completed, their sixtieth (60th) credit toward graduation, or have successfully completed one year of law school and possess sufficient skills to participate in an externship program, as determined by the externship director with feedback from the 1L professors.

A complete list of in-house clinical offerings and application procedures is available from the clinical law faculty. For information on externship programs and procedures, contact Professor Peterson.

COMMUNICATIONS SKILLS LAB

Credits: 1

Prerequisite: Completion of or concurrent enrollment in Professional Responsibility

This skills lab, previously titled Professional Responsibility Skills Lab, deals with communication and organizational skills for advocacy, negotiation, and client retention. Much of communication is an art. Organization is a skill. The course breaks communication and organization into components. The course is taught by lecture and instructor demonstration followed by student practice sessions and video-taped student performances which are critiqued. The course is client, fact, and witness oriented rather than law oriented. The course requires ongoing analysis of a developing fact pattern in a complex hypothetical case. The course develops skills in client relations, file organization, witness handling, questioning techniques, and case analysis. The course culminates with a mock hearing. To facilitate the performance aspects of the lab it meets for two hours every second week.

COMMUNITY PROPERTY

Credits: 2

Prerequisite: Property

This course studies the community property system. Character of ownership, management, disposition, voluntary and involuntary transactions between spouses, tort and contract liability are the main areas covered. Limited attention is given to the federal income tax and tax collection issues involved in community property.

COMPARATIVE LAW

Credits: 2

This course provides an introduction to the comparative method as a process and explores various legal traditions and national systems within those traditions. While the focus will be on the history and essential components of the civil law tradition, the course may also explore the history and significant elements of the common law, Islamic or socialist traditions. Students will study specific national legal systems to learn the primary similarities and differences between different legal traditions, as well as how the differences have evolved or been minimized over time.

CONFLICTS OF LAWS

Credits: 2

Prerequisites: All first-year courses

The rules of conflict of law are examined as they have developed in separate, sometimes unrelated areas - (Choice of Law, Constitutional limitations on choice of law, Domicile, Jurisdiction, Enforcement of other state judgments, and Erie problems) in a way to show the need of lawyers to think spatially; to emphasize the multistage characteristic of much of human activities and thus legal problems. An attempt will be made to provide insight that may help to manage these problems of conflicting rules which arise with the constant movement of people and their affairs. It is also hoped that the course will shed light upon how rules of law arise, function, and interact or compete.

A discussion of domicile; jurisdiction of courts with reference to constitutional limitations; foreign judgments and the impact of the Constitution; choice of law problems in general with a more detailed look at problems concerning choice of law in relation to property, family law, contracts, torts, trusts and the administration of estates.

CONSTITUTIONAL LAW I (R)

Credits: 3

Constitutional law embodies the study of federal powers such as war and treaty powers, the Spending Clause, and most especially the Commerce Clause. Federalism issues, including the Tenth and Eleventh Amendments and the Supremacy Clause are addressed in this class.

CONSTITUTIONAL LAW II (R)

Credits: 3

Prerequisite: Constitutional Law I

First Amendment speech and religion clauses, Due Process under the Fifth and Fourteenth Amendments, including the protection of privacy, and the Equal Protection Clause are covered in this class.

CONSUMER LAW

Credits: 3

This course reviews statutes and regulations restricting unfair or deceptive marketing and sales practices, as well as remedies available to recover for violations.

CONTRACTS (R)

Credits: 4

Explores the creation and enforcement of promissory obligations at common law. The lawyer's function as an advisor and advocate will be examined. Selected provisions of the Uniform Commercial Code involving sales of goods (UCC Article 2) will be explored.

CORPORATIONS

Credits: 3

Prerequisite: Agency and Partnership

This course covers the formation and operation of general business corporations, limited

partnerships and limited liability companies.

CREDITORS' RIGHTS

Credits: 3

Prerequisites: Contracts & Property. Recommended: Sales (formerly UCC 2)

This course is designed to introduce students to secured transactions and the law which governs them. After a brief overview of some of the difficulties in collecting unsecured debts generally, students will explore role collateral plays in collecting debts by reviewing the procedures for enforcing real estate mortgages and Article 9 security interests. Students will then study certain key general concepts of Article 9, including: the requisites for attachment of a security interest; the Codes treatment of proceeds, after-acquired property, and future advances; the different classifications of property; the various methods of perfecting security interests; and the Codes resolution of common priority disputes. Throughout the course the class will consider the effect of federal bankruptcy law on the debt collection process and explore certain policy aspects of the Uniform Commercial Code.

CRIMINAL LAW (R)

Credits: 3

This course examines the purpose of criminal law and the varying rationales for punishment, the elements of particular crimes, and the justifications and excuses of various special defenses.

CRIMINAL PROCEDURE (R)

Credits: 3

Prerequisite: Constitutional Law I

A study of fundamental aspects of criminal procedure. Emphasis will be given to judicial control of police practices by means of exclusionary rule, including search and seizure, and police interrogation. Consideration will also be given to fundamentals of procedural due process, including defendant's privilege against self-incrimination, the right to counsel, right to trial, and double jeopardy. Additional topics may include decision to prosecute, preliminary examination, bail, discovery, plea bargaining, confrontation, speedy trial, the relationship between fair trial and free press, *habeas corpus*, and cruel and unusual punishment.

DIRECTED RESEARCH (Academic rules 2-3F and 3-7)

Credits: 1-2

Directed Research projects allow students to explore an area of law in greater depth than is normally possible in traditional courses. Although directed research projects need not be used to satisfy the writing requirement, students often use them for this purpose.

All students interested in registering for an individual directed research must:

1. Submit an outline of the proposed project to the supervising faculty member for approval prior to registration.

2. After the supervising faculty member determines the feasibility of the project and the number of credits to be earned, registration will be completed by the Registrar and the student will be notified when that registration has taken place.

*No student may earn more than five(5) credits for directed research. No student may earn more than six (6) credits for directed research, Law Review editorship, and moot court participation, combined. After receiving a total of six (6) non-classroom credits, a student may continue to participate in other such activities, but further credit **will not be awarded**.*

EDUCATION LAW

Credits: 3

Recommended: Constitutional Law I & II and Administrative Law

A study of the constitutional doctrines, statutes and case law governing public schools, with emphasis on the legal relationships among the school, its employees and its students. Topics will include: special education law; student speech, records, search and seizure, and discipline; teacher tenure, certification, and termination; collective bargaining issues; employee non-discrimination; and constitutional rights, liability, and religion in schools. Selected educational concepts will be introduced, and class will explore the impact of legal regulation on school system operations and the law ' s treatment of educational issues.

EMPLOYMENT LAW

Credits: 3

Prerequisite: All first-year courses

There has been a steady increase in employment-related litigation over the past two decades. Consequently, business lawyers and general practitioners must now routinely advise their clients on work-related matters. This course will focus on those employment issues most commonly confronted by attorneys. Topics should include: The employment-at-will doctrine and its exceptions; negligent hiring, defamation and other job-related torts; employment discrimination under both federal and state statutes; and protections for employee privacy. The specialized areas of labor law and workers ' compensation are beyond the scope of this course and will be addressed only incidentally as required to adequately cover the areas noted above.

ENVIRONMENTAL DISPUTE RESOLUTION

Credits: 3

The Environmental Dispute Resolution course is taught as a course in the negotiation and mediation of natural resources and environmental disputes. The course utilizes the business school model case study approach, rather than the traditional law school case method. No judicial opinions are required reading. The course is useful for students aspiring to a variety of practices: the environmental advocate; the developer; the government official charged with the making of natural resources permit decisions; the elected official; the land-use attorney; the property, personal injury, and real estate lawyer; and the general practitioner.

The Environmental Dispute Resolution course is not a "how to" course - go get -em tiger! The course involves the systematic analysis of natural resources and environmental disputes in order to remove barriers to negotiated settlement. A matrix is developed for the

analysis of any given conflict.

ENVIRONMENTAL LAW - NEPA, ESA, CAA & CWA

Credits: 3

Prerequisites: All first-year courses

This course introduces basic principles of ecology, economics, and administrative law. The course content focuses on four federal statutory schemes: the National Environmental Policy Act, the Endangered Species Act, the Clean Air Act, and the Clean Water Act. *The course emphasizes skill so statutory analysis and problem solving applied to real environmental disputes.*

ENVIRONMENTAL LAW - TOXIC & HAZARDOUS WASTE CONTROL Credits: 2

Prerequisites: All first-year courses

This course covers federal legislation dealing with toxic substances and hazardous wastes, such as the Resource Conservation Recovery Act; Solid Waste Disposal Act; Toxic Substance Control Act; Conservation Liability Act; Superfund Amendments and Reauthorization Act. The course also covers common-law theories of liability and remedy regarding toxic substances and hazardous wastes, including toxic torts.

ESTATE PLANNING

Credits: 2

Prerequisites: Taxation of Gifts & Estates

Estate Planning attempts to combine all aspects of the transmission of wealth, both by testate and intestate methods from the viewpoint of drafting exercises and from consideration of tax and non-tax problems inherent in property transmission.

EVIDENCE (R)

Credits: 3

An in-depth course covering the rules of evidence in state and federal courts. Topics covered are examination of witnesses, admissions and exclusions, competency, privileges, relevancy, writings, documents, scientific evidence, hearsay and its many exceptions, burdens of proof and judicial notice.

EVIDENCE (R)

Credits: 3

This course surveys the law governing the admission of evidence, with an emphasis on the federal rules of evidence. Topics include foundational and other requirements for presenting and ensuring the reliability of various types of evidence (such as witness competence, proper format for questions, objections, authentication and best evidence requirements for documents, and judicial notice); the relevance requirement and its limits; the general rule excluding hearsay evidence and its many exceptions; the admissibility of scientific evidence; and the exclusion of evidence for policy reasons such as privilege. The course also examines procedural issues such as burdens of proof and appealing evidentiary issues. Students participate in brief exercises in which they practice offering and objecting to evidence.

4/23/2009

FAMILY LAW

Credits: 3

Prerequisites: All first-year courses

Recommended: Constitutional Law II & Evidence

An introduction to both the law governing family relationships and the types of court proceedings that can create or terminate family relationships, such as paternity, adoptions, legal separations, declarations regarding validity of marriage, dissolutions, and termination of parental rights.

FEDERAL INDIAN LAW

Credits: 3

A comprehensive survey considering the unique body of law affecting American Indians and the American Indian property interests. Topics covered include the competing claims to jurisdiction by state, federal and tribal governments, treaties and the abrogation thereof, civil rights of tribal members, powers of tribal self-government, water rights, fishing rights, Indian education programs, and patterns of Indian property ownership. The writing of a paper is among the course requirements.

FEDERAL JURISDICTION

Credits: 3

Prerequisite: Constitutional Law I

The basic principles of judicial review and federalism under the Constitution of the United States. The theory and practice of federalism and the separation of powers, the broad problems of distribution of judicial power between state and federal courts and jurisdictional conflicts created by the existence of federal system of government. The appellate and original jurisdiction of the federal courts in terms of review of state court decisions, *habeas corpus*, appeal and certiorari, federal question, admiralty, diversity jurisdiction, injunctions against suit, removal choice of law problems which raise questions of federalism.

FOUNDATIONS OF APPELLATE LAW

Credits: 2

Prerequisite: Legal Research & Writing IV, or equivalent Moot Court experience

This is a seminar course that focuses on the values involved in appellate decision-making, how these values conflict, and the interplay of these values in the quest for a *Ajust@* system. More particularly, the course examines the substantive foundations of appellate law, including the doctrines of *res judicata*, collateral estoppel, and law of the case, along with the law regarding preservation of error, *stare decisis*, justifiable controversy, mootness, *dicta*, and related concepts. The course also includes an orientation regarding the state and federal appellate systems and the practical workings of the Washington appellate system. Lastly, the Washington Rules of Appellate Procedure and surveyed. Limited enrollment; third year student preferred.

FUNDAMENTALS OF HEALTH CARE LAW

Credits: 3

Fundamentals of American Health Law provides a solid grounding in the financing and organization of health care delivery in the United States, the legal and public policy issues raised by the current structure of health care delivery, and their implications for health care reform. The course will begin with a historical overview of the American health care system, identification of the various stakeholders in the health care arena, and a discussion of how health care is currently financed, accessed and delivered. We will then focus on the financing of health care, including review of the major payers (private health insurance, self-insured health plans, Medicare, Medicaid), and the necessity for and breadth of regulation and reimbursement of health care providers, including hospitals, physicians, medical equipment suppliers, other individual traditional providers, and providers of alternative medicine. We will then consider health care reform options, underlying policy considerations, and political obstacles to health care reform. This will include a discussion of prior efforts to reform health care, and their successes and failures.

GONZAGA JOURNAL OF INTERNATIONAL LAW

Credits: 1-4

Prerequisite: Vested Member or Board Member

Students who have completed their vesting paper may elect to receive one ungraded academic credit per semester for their work on GJIL, provided the Editor-in-Chief and a faculty advisor to GJIL certify that such student satisfactorily performed all assigned editorial duties for the entire semester in which the credit is received.

The Editor-in-Chief, Managing Editor, Executive Editor, Article Editors, Technical Editor and the Public Relations Editor will each be qualified to receive up to two (2) law school credits per semester.

The maximum number of ungraded academic credits that may be earned is four (4).

Note, under Academic Rule 22, GJIL credits count toward the maximum number of six (6) “non-classroom” credits that a student may earn toward a degree.

IMMIGRATION LAW

Credits: 3

This is a course in the substantive law regulating immigration to the United States and the regulation of non-citizens in the important area of the law. Topics covered include the constitutional law aspects of the immigration and removal process, admission, conduct of hearings, relief from removal, and asylum. In addition, the operation of the immigration acts of 1996 and other new laws will be discussed.

INSURANCE LAW

Credits: 3

Prerequisites: Contracts & Torts

Property and casualty coverages along with the unique rules involved in analyzing and

construing policies, claims handling, regulations, and bad faith law are covered in this class. Course work addresses the rights of parties, representations/warranties, waiver/estoppel, subrogation, uninsured/under insured motorist coverages, statutes, and recent developments.

INTELLECTUAL PROPERTY

Credits: 3

Prerequisite: All first-year courses

This course provides a general survey of the domestic legal protections available for intellectual property, focusing upon the key areas of patent, copyright, trademark and trade secret. The elements of infringement claims, defenses and remedies will be examined, as will the interaction between the federal intellectual property statutes and competition law. The course will also consider the policies underlying the laws of intellectual property and the ways in which organizations and businesses can protect their intellectual property.

IP TRANSACTIONS & LICENSING

Credits: 2

Prerequisite: Intellectual Property

This course, building on the Intellectual Property survey course, examines the transactional components of intellectual property practice, including the negotiation of licenses. The course will explore the acquisition and maintenance of Intellectual Property rights under federal law; introduce students to the concepts, laws, and business of intellectual property licensing, and give students the opportunity to analyze and draft several different types of license agreements. The course is designed to be useful not only for students interested in pursuing careers in intellectual property law but also those whose practice will involve working with transactional business clients.

INTERNATIONAL BUSINESS TRANSACTIONS

Credits: 3

Prerequisite: Corporations

Recommended: International Law

This is a course on how to do transnational business in a globalized economy. Course content is directed to customs, MFNs, sales contract considerations such as the CISG and other applicable law, letters of credit, counter trade, and dispute resolution, including forum and law selection with an emphasis on arbitration, foreign currency problems, protection of technology and other forms of intellectual property, restrictions on direct foreign investment as well as repatriation or profit problems, international and U.S. laws, regulating trade, and the developing trading blocs-EC and NAFTA.

INTERNATIONAL & COMPARATIVE INTELLECTUAL PROPERTY LAW

Prerequisite: Intellectual Property

Credits: 3

This course, a follow-up to the Intellectual Property survey course, provides an understanding of the processes for acquiring and maintaining intellectual property rights across national borders as well as the regulations for and issues concerning the enforcement of those rights. Students will examine the key international conventions and agreements governing rights in copyright, trademark and patent, discuss states' compliance with the obligations imposed by

those agreements, and review the ongoing effort toward harmonization of intellectual property laws. Students will also explore the significance of intellectual property laws in the realms of international trade and international human rights, including the role of the World Trade Organization, the consequences of international piracy, and related human rights issues concerning traditional knowledge and biodiversity.

INTERNATIONAL ENVIRONMENTAL LAW

Credits: 3

This course explores public international law in the context of the global environment. International environmental issues to be studied include biodiversity, climate change, ozone depletion, sustainable development, Antarctica, toxic substances, nuclear weapons and waste, and transboundary pollution. Environmental justice for citizens of developed and developing countries is a central aspect of the course.

INTERNATIONAL HUMAN RIGHTS

Credits: 2

This course provides an awareness of the critical concepts and issues of human rights in a concurrent historical and contemporary context. General topics include: an overview of the history and background of the human rights movement; an exploration of the term “human rights” and the type of rights to be protected; an investigation into the causes of human rights violations; an introduction to the institutions established to safeguard, monitor, and enforce human rights; and an exposure to the principal international human rights agreements and instruments. Specific current topics to be addressed will be selected on an on-going basis throughout the semester.

INTERNATIONAL LAW

Credits: 3

Prerequisites: All first-year courses

An introduction to international law as applied between independent nations and in American courts including selected problems dealing with: the sources, development, authority and application of international law; the making, interpretation, enforcement and termination of treaties; recognition and territory; nationality; jurisdiction and immunities; the United Nations and other international organizations in which the United States holds membership; state responsibility and international claims for wrongs to citizens abroad; Laws of the Sea; International Human Rights; international environmental issues.

JURISPRUDENCE

Credits: 2

A survey of the nature and history of legal thought. Beginning with the development of natural law, the course will analyze the consequent rise of 19th century positivism and 20th century realism. Non-western jurisprudential tradition is briefly introduced. Modern jurisprudential trends are carefully explored. All of this material is explored with one purpose in mind; to determine and understand the actuating principles of ethics and philosophy which underlie legal decision making, both contemporary and past.

JUSTICE AND SOCIETY

Credits: 3

This course is divided into three parts. The first part takes a look at evolving concepts of justice from the time of Aristotle until the present. The second part separates and distinguishes the concepts of justice, law, and morality. The third part focuses on specific contemporary political, social, and economic issues and asks what the response of a just society should be.

JUVENILE LAW

Credits: 2

This course will cover the history and theory of the juvenile court system; its jurisdiction; investigation, detention and hearing procedures; and the constitutional rights of persons in the juvenile courts. Special attention will be given to the role of the attorney in these matters.

LABOR LAW I (Private Sector)

Credits: 3

Prerequisites: All first-year courses

This is a study of the National Labor Relations Act which governs the relationship between most private employers and unions. Topics addresses include representation and campaign issues, collective bargaining, strikes and picketing, contract enforcement, and federal preemption. The course also includes work on negotiation skills.

LANDLORD/TENANT LAW

Credits: 2

Prerequisite: Property

The first half of this course will focus on the substantive state and federal law applicable to residential and commercial tenancies. The state component will include an examination of Title 59 of the Revised Code of Washington, which include tenancies in mobile home parks. The federal law component will include an examination of the rights of tenants in public housing and issues related to housing discrimination. The second half of the course will consist of various skills exercises set in the context of a residential eviction. The skills involved will include client interviewing and counseling, drafting, negotiation, and litigation.

LAW REVIEW – EDITING

Credits: 4-6(2-3 each sem)

Prerequisite: Membership in Law Review

Third-year students who have completed their vesting paper may elect to receive up to two ungraded academic credits per semester for their work on the Gonzaga Law Review, provided the Editor-in-Chief and a faculty advisor to the Law Review certify that such student satisfactorily performed all assigned editorial duties for the entire semester in which the credit is received. Editorial Board members may elect to receive up to three ungraded credits each semester, for a total of six.

Note, under Academic Rule 22, Law Review credits count toward the maximum number of six(6) "non-classroom" credits that a student may earn toward a degree.

LEGAL RESEARCH AND WRITING I & II(R)

Credits: 2 & 2

The first year of the research and writing program focuses on:

1. Developing familiarity with research materials including the development of an individualized research process;
2. Learning to use basic analytical skills to synthesize and apply legal rules; and
3. Drafting accurate, complete, and concise research reports.

First Semester: simple analysis, closed synthesis, single-issue open memo, major memo.

Second Semester: The second semester will continue to focus on expository writing and increasingly complex research assignments.

LEGAL RESEARCH AND WRITING III & IV (R)

Credits: 2

Prerequisites: Legal Research & Writing I & II

The second-year writing program is designed to enhance and refine research and writing skills. The emphasis is on persuasion and precision in drafting litigation documents and other written material common to the practitioner.

First Semester: In the first semester, students will draft motions and memoranda in support of motions (summary judgment, dismissal, or discovery) as well as demand letters. It will focus on increased skills in organizing a paper with a major emphasis on persuasive organization.

Second Semester: In the second semester, students will produce an appellate brief and participate in an oral argument. Some sections of the Spring course will be denoted as Linden Cup sections and students enrolling in those sections will automatically become entered in the Linden Cup competition.

LITIGATION & DISPUTE RESOLUTION SKILLS

Credits: 3

Prerequisite: Completion of or concurrent enrollment in Evidence

This class will focus on: (1) the variety of dispute resolution methods that are available to lawyers and their clients; (2) the skills, craft, and techniques associated with each; and (3) a set of approaches for identifying the dispute resolution method most appropriate to a particular dispute. Because litigation is a central method of dispute resolution, because its component conduct is technically complicated, and because alternative dispute resolution processes are conducted in the shadow of litigation, the larger part of this course will focus on it: case planning, formal and informal fact investigation, and formal evidentiary hearings. Some forty percent of class time, however, will be devoted to an understanding about and the skilled conduct of alternative processes.

LITIGATION SKILLS & PROFESSIONALISM LAB (R)

Credits: 2

This course involves a case study approach to the development of litigation skills and professionalism values. The case study will follow the life of a tort case, taking students through a series of skills exercises and professionalism problems. The course will acquaint students with litigation skills in such areas as pre-filing case investigation, client and witness interviews, discovery planning and execution, pretrial motions, and settlement negotiations through the use of role-playing, simulation and case assignments. In the process, the students will learn the elements of the applicable law of civil procedure, torts, and damages. The course will confront students with issues of professional responsibility and professional identity.

MOOT COURT

Credits: 2

Prerequisite: Permission of faculty coach

Participation in any of the school-sponsored interscholastic moot court competitions (e.g., National or NAAC) is by invitation only. All such competitions require writing an appellate brief and preparing and presenting oral argument. Applications for the national team are accepted in the Spring, for the following Fall. The regional rounds of that competition are in November and the National rounds are in late January or early February. Applications for the NAAC competition are accepted in the Spring for the following Spring. The regional rounds for NAAC are normally in February and the National rounds are in April. Contact the faculty advisors for more information. If the faculty advisor to a moot court competition certifies that by participating in it a student has acquired the equivalent skills as those taught in Legal Research and Writing IV, the student may obtain a waiver of the Legal Research and Writing IV requirement. Students participating in an interscholastic competition that lacks a faculty advisor under the auspices of the Moot Court Council do not receive academic credit for their endeavors.

OIL AND GAS LAW

Credits: 3

A systematic survey of the law governing interests in oil and gas, including an introduction to reservoir mechanics; classification of property interests; conservation and administrative regulation of drilling and production; a detailed examination of the oil and gas lease; conveyance; pooling and utilization; and federal taxation of oil and gas income.

PATENT PROSECUTION & LITIGATION

Credits: 2

Prerequisite: Intellectual Property

A follow-up to the Intellectual Property survey course, this course provides an in-depth examination of the practice of patent law. The course will focus on the legal issues that arise in the patent application process, post-issuance review of patent validity, the litigation of patent cases, and the interplay between patent prosecution and litigation. Students will be introduced to the drafting of patent applications and to the issues and considerations that arise in the prosecution of patents before the U.S. Patent and Trademark Office. The specialized arena of patent litigation will also be covered, including issues such as infringement, validity, and the claim construction; preliminary injunction practice, damages, and appeals; and the role of expert

witnesses. The relationship between patent prosecution and litigation is such that an understanding of one permits a more thorough understanding of the other. For that reason, this course is intended not only for students with technical backgrounds who intend to take the Patent Bar, but also for those students interested in pursuing a career in patent litigation, for whom a technical background is not required.

PAYMENT SYSTEMS

Credits: 3

Prerequisite: Contracts

Recommended: Sales(formerly UCC 2)

This course presents an overview of Articles 3 & 4 of the Uniform Commercial Code, including negotiable instruments and bank deposits and collections. The primary focus is on the liabilities and rights surrounding drafts, checks, and promissory notes. The course also introduces basic concepts in the Expedited Funds Availability Act, the Electronic Transfer Act, and Wire Transfers under Article 4A of the Uniform Commercial Code.

PERSPECTIVES ON THE LAW(R)

Credits: 3

This course will examine themes in legal philosophy in the context of an introduction to three general areas of law: nuisance, privacy, and an application of the values analysis in social justice. In each of the three areas, students will be introduced to a rich descriptive problem and asked to work through the problem using diverse approaches from substantive law and readings in jurisprudence. Students would be asked to compare and contrast the variety of conceptions of the nature of law, including (but not limited to) classical jurisprudential thinking, Catholic approaches to social justice, and modern “critical” approaches. The emphasis will be on the interaction between legal process and the ethical, historical and political contexts in which legal rules arise. The goals of the course are that students will (1) become familiar with competing claims about the nature of law and how it exercises binding force, and (2) reflect on the ways in satisfying professional career.

PRODUCTS LIABILITY

Credits: 2

Prerequisite: Torts

Recommended: Sales(formerly UCC 2)

This course is an examination and analysis of Product Liability law. It includes detailed review of the Washington Product Liability Act with interpretive case law including remedies for harm caused by dangerous and defective products. The course examines the history and development of product liability law; specifics of proving defective design, manufacturing defects, breach of warranty, failure to warn/instruct, and the role of consumer expectations and risk utility in determining liability. It includes review of the proof and consequences of strict liability as well as the defenses available in a product liability action. The course also examines comparative fault and the distribution and apportionment of fault between manufacturer, seller, and non-party entities as well as issues pertaining to causation.

PROFESSIONAL RESPONSIBILITY (R)

Credits: 3

Analysis of the role of an attorney, including responsibilities to client court, society and the profession; emphasis on the ethical questions facing attorneys and judges and upon the Model Rules of Professional Conduct and the ABA Code of Judicial Conduct.

PROPERTY (R)

Credits: 4

Property is an introductory course that includes exploration of the following topics:

- the nature and acquisition of property rights
- adverse possession
- estates in land and future interests
- concurrent ownership of property
- servitudes
- real estate transactions and
- zoning

PUBLIC BENEFITS LAW

Credits: 3

This course offers two elements: the first section surveys the main sources of law that define welfare programs; the second examines Social Security Disability Law and practice. Welfare law is constantly in the news. Each year, Congress threatens to dismantle the whole system, yet it remains. Whether you are pro or con, this course will challenge your assumptions about welfare law. Social security disability insurance practice is a lucrative and rewarding area of emphasis. This portion of the course uses a lawyer's practice manual for a text, supplemented by case law. The result is a practical approach to the area which builds on the concepts developed in the previous section.

PUBLIC LANDS LAW

Credits: 3

A review of various federal public lands topics such as the source and scope of federal authority, forestry, grazing, hardrock mining on federal lands, federal oil and gas leases, fish and wildlife recreation, and wilderness issues.

REAL ESTATE TRANSACTIONS

Credits: 3

Prerequisite: Property

A basic course covering the elements of the modern real estate transactions. Topical areas covered will relate to: mortgages, deeds of trust, real estate contracts, title insurance policies, liens, in so far as they relate to real estate closings; and bankruptcy issues, particularly relating to Chapters 11 and 13. Students will also be directed to consider certain state tax aspects of real estate closing, but federal income tax implications are beyond the scope of this course. The course will also touch upon securities problems which may arise in the context of a real estate transaction, as well as such incidental personal property problems as relate to the Bulk

Sales Act and Article 9 of the Uniform Commercial Code. Various federal and state land use laws and regulations will also be mentioned in relation to the closing of any real estate transaction.

The course will focus on statutes in force in Washington State. Students who plan to practice in another jurisdiction are encouraged to review the comparable statutes from that jurisdiction.

REMEDIES

Credits: 2

Development and use of judicial remedies that give relief for past or potential injuries to the person, and to interests in real or personal property. Remedial approaches include compensatory and punitive damages, injunctions, unjust enrichment, constructive trusts, equitable liens. Emphasis on comparing remedial options to place the harmed party in its rightful position.

SALES(formerly UCC 2)

Credits:2 or 3

Prerequisite: Contracts

This course examines sales of goods and the law which governs them by analyzing Article 2 of the Uniform Commercial Code in greater depth than was possible in the first-year Contracts course. After a brief overview of the structure of the Uniform Commercial Code, the course will explore what transactions come within the scope of Article 2. It will then focus on certain key general concepts, including: contract formation; warranties; risk of loss; acceptance, rejection, and revocation; and remedies for breach. The course will also examine the United Nations Convention on Contracts for the International Sale of Goods, and how its provisions differ from those of Article 2. Throughout the course the policy aspects of the Uniform Commercial Code in general and of Article 2 in particular will be discussed.

The three credit version of this course will address leases of goods in addition to sales of goods.

SAUL LEFOKOWITZ MOOT COURT COMPETITION

Credits: 1

Prerequisite: Selection by faculty coach

The Saul Lefkowitz Moot Court Competition is a national moot court competition concerning topics in the area of trademark and unfair competition law. Gonzaga students selected for the Lefkowitz competition compete in teams of 4 students against student teams from law schools around the country. Participating teams must write an appellate brief and then present oral arguments to three-judge panels in a regional competition. Winners of the regional round advance to the finals in Washington, D.C. Although the Lefkowitz competition takes place during the Spring semester (January through March), students wishing to participate must apply during the prior September to be considered for selection to a team. Participants may receive one (1) credit for this competition during the Spring semester.

SECURITIES REGULATION

Credits: 3

This course provides students with a basic understanding of the Federal Securities Act of 1933 and the registration of securities or the exemption of securities from registration. Particular attention is given to the roles, relationships, responsibilities, and liability exposure of the various persons involved in the offer and sale of securities. The course also examines the various types of investment transactions that constitute the sale of securities.

SPORTS LAW

Credits: 2

This course examines issues respecting amateur and professional sports, including sports league decision-making, labor and sports, negotiation of player contracts, baseball salary arbitration, and enforcement of sports contracts, NCAA matters, drug testing, and torts in sports.

STATE CONSTITUTIONAL LAW

Credits: 2

Prerequisite: Constitutional Law I & II

The purpose of this course is to give students a grounding in the history, structure, content, and role of state constitutions. The historical study traces the evolution of American Constitutionalism, the role of state constitutions in the federal system, the roots of state constitutions prior to the federal Bill of Rights, and the rebirth of interest in State Constitutional Law identified largely with Justice Brennan's watershed 1977 Harvard Law Review article. The theoretical study includes an understanding of the nature and function of state constitutions, how to make a state constitutional law argument, and a basic understanding of the approaches to interpretation. These themes will be developed in part through analysis of particular provisions of state constitutions, focusing principally on the Washington State Constitution.

TAXATION OF BUSINESS ENTITIES

Credits: 3

Prerequisites: The Taxation of Individual Income

This course will be an overview of the taxation of the three prevalent forms of business entity – corporations, partnerships, and limited liability companies (LLCs).

TAXATION OF GIFTS AND ESTATES

Credits: 2

This is a survey course, involving the federal tax effect of gifts during life, and transfers at death. Some work is done in actual planning principles and how federal transfer taxes can be reduced by proper planning. The course is a pre-requisite for estate planning.

TAXATION OF INDIVIDUAL INCOME

Credits: 3

Students deal with the Internal Revenue Code and the administrative and judicial interpretations of that Code in the context of personal income taxation. A general overview of gross income, deductible items, and capital gains and losses is presented with some attention given to timing problems of taxation such as the concept of constructive receipt and deferral of

tax impact.

TORTS (R)

Credits: 4

The study of private lawsuits which seek compensation or other redress for :

- Personal injury
- Property damage
- Other types of harm including mental distress

The course surveys different grounds for recovery including:

- Strict liability, including product liability
- Intent and negligence
- The concepts of duty, causation, and harm involved in tort claims

Defenses to tort claims such as comparative negligence, immunity and statutes of limitation are explored, along with limitations relating to proximate cause. Finally, practical and procedural considerations are included, such as the role of insurance and rules regarding joint and several liability.

TRANSACTIONAL SKILLS & PROFESSIONALISM LAB (R)

Credits: 2

This course focuses on the skills needed by lawyers involved in transactional practice. Those skills include ascertaining the parties' true desires through interviews and negotiation, creatively structuring deals and drafting terms to achieve those desires, and imagining all the events that might later interfere with the transaction documents. The course will take students through the early development of a commercial transaction, negotiating its terms and structure, and ultimately the drafting of the transaction documents. In that process, students will be confronted with issues of ethics and professional responsibility. They will also learn the distinctions between representations, warranties, covenants, conditions, and the other types of contract terms and practice how to spot and avoid ambiguity.

TRIAL ADVOCACY

Credits: 3

This is a hands on class and small group seminar which takes the student through the basics of trying a case. Lecture is once a week for all students and small sessions of 8 students each meet weekly to practice trial skills. Topics such as jury selection, openings, direct exam, cross-exam and closing argument will be covered. Good command of evidence is also taught.

TRUSTS & WILLS

Credits: 3

Prerequisites: All first year courses

This course examines (1) the law of gratuitous transfers and decedent's estates, including intestate and testate succession and the probate process; (2) the nature and elements of the modern trust and other will substitutes and (3) some aspects of powers of appointment, perpetuities, problems and fiduciary powers, duties and liabilities.

TRUSTS & WILLS SKILLS LABS I & II

Credits: 1

Prerequisite: Completion of, or Enrollment in, Trusts & Wills

These skills labs will involve some of the following: interviewing clients; preparing documents for probating an intestate estate; drafting wills, durable powers of attorney and/or trust documents; exploring guardianship requirements for the elderly; and/or exploring settlement options in a will contest case.

WASHINGTON PRACTICE

Credits: 3

Prerequisite: None but must be 3rd Year

This three-credit, elective course is designed to provide an intensive experience with the essay-type bar examination questions utilized on the Washington bar examination and to focus on the subjects and issues most frequently tested on the Washington bar examination. The course will emphasize techniques for writing high-scoring answers to bar exam questions as distinguished from the type of exam question typically encountered in law school. The course will emphasize Property, Civil and Criminal Procedure, Criminal Law, Torts, and Contracts. It will also highlight distinctive features of Washington law that bar examiners will expect applicants to be familiar with. The course will address substantive law only to the extent necessary to prepare students to write answers to the test questions. The course is designed to be of primary value to students intending to take the Washington bar examination, but will (to a lesser extent) benefit students taking other bar examinations featuring similar essay-type questions. Instead of taking a final exam at the end of the course, students will answer a bar-exam question following each course subject segment. This is a graded course as determined by aggregating the performance on all of the individual exam questions. This course is not subject to the lower end of the mandatory mean grade point average range for an upperclass course. This course is not intended as a substitute for the commercial bar reviews available for bar examination preparation in Washington and other states..

WATER LAW

Credits: 3

This course will include a study of basic water law, including riparian and appropriation rights; groundwater; the public trust doctrine; interstate allocation of water; the navigability concept and federal regulation including reclamation and flood control laws; water, irrigation and drainage districts; and environmental protection.

WORKERS' COMPENSATION

Credits: 2

Prerequisite: Evidence & Civil Procedure

A study of the theory of workers' compensation laws generally and an in-depth analysis of substantive and procedural aspect of the Industrial Insurance Laws of Washington (Title 51 RCW) and a partial comparison with the law in sister states with emphasis on the requirements of proof for obtaining permanent partial disability, time loss, total permanent disability and medical aid benefits; the elements of an industrial injury and occupational disease; the rights, liabilities and defenses of employers; special statutes of limitations; special rules of practice and

procedure before the Board of Industrial Insurance Appeals and Superior court; and Appeals courts.

ZONING AND LAND USE REGULATION

Credits: 3

Prerequisite: Property

Land use controls at the local level, especially zoning and zoning flexibility devices such as variances, special use permits and rezones; modern approaches, particularly transfer of development rights (TDR), planned unit developments (PUD) and contract zoning; administrative procedures and judicial review; subdivision regulations; exclusionary zoning and growth control; constitutional issues including Ataking without just compensation, due process; equal protection and first Amendment.

SEMINARS & IRREGULARLY OFFERED COURSES

ADVANCED CORPORATE LAW SEMINAR

Credits: 2

This course may explore various topics in corporate/securities law such as financial and accounting issues, corporate governance, securities litigation, and white collar criminal prosecution. Coverage will usually emphasize such matters that are of current importance in the business world and will examine the social and economic policies for the rules discussed. Students will be given wide latitude to choose a topic for their papers which will count for a large share of their grade.

ADVANCED COPYRIGHT LAW

Credits: 3

Prerequisite: Intellectual Property

This course builds upon the concepts of copyright law addressed in the Intellectual Property survey course. Using the Copyright Act of 1976 (as amended), the course examines the requirements for copyright protection, the works which may be afforded copyright protection, and the scope of rights enjoyed by copyright owners, in addition to the particulars of registration, notice, copyright term, ownership, licensing and assignment. The course also focuses on the doctrine of fair use and discusses other existing and proposed rights for users of copyrighted material, as well as the theories behind and policy considerations for these rights. Issues relating to the First Amendment, competition law, the Internet and international copyright law are incorporated throughout the course.

ADVANCED EVIDENCE SEMINAR

Credits: 3

Prerequisite: Evidence

This seminar is designed to give students an additional opportunity to apply the knowledge they acquired in the Evidence course. A large part of the seminar is devoted to trial simulations in which the students argue points of evidence based on a pre-arranged record of documents, other exhibits, and testimony. Video tapes of skilled lawyers and simulated trial transcripts will also be used. Considerable emphasis will be placed on the foundation that must

be laid for various types of evidence.

ADVANCED LEGAL RESEARCH

Credits: 2

Prerequisites: Legal Research & Writing I & II

This class is designed to give students a greater understanding of legal and law-related research. Building upon skills and resources covered in Legal Research & Writing I & II, the class will demonstrate advanced research techniques using a wide variety of research resources in their multiple formats – print, Westlaw, LexisNexis, and the Internet. The course will specifically cover complex sources like legislative history, administrative materials, and specialized sources that are initially introduced in Legal Research & Writing II. The class will also demonstrate how legal and law-related resources, in their various formats, can be effectively and efficiently integrated into one overall research strategy. The class will require an in-depth research paper in which students demonstrate their ability to conduct this integrated research in the completion of a complex research project.

ANTITRUST

Credits: 3

This course focuses on the federal rules regarding monopolization and both horizontal and vertical restraints of trade. It provides more of an in-depth analysis of core issues rather than a survey of a broader variety of subjects.

CIVIL RIGHTS

Credits: 3

Recommended: Constitutional Law I & II

The class examines statutory remedial schemes for enforcement of constitutional and statutory civil rights. The primary focus is on 42 U.S.C 9183. In addition, other civil rights statutes, including the 1964 Civil Rights law, the Americans with Disabilities Act and other related statutes are introduced and discussed. Similar state laws are reviewed. The class is intended to foster a basic understanding of how to enforce particular citizen claims for violations of civil rights and how to defend against such claims.

COMPARATIVE CIVIL LIBERTIES

Credits: 2

This course looks at methodologies for comparing elements of law within various legal traditions, and focuses specifically on the impact that constitutional framework and governmental structure have on the development of individual civil liberties. This examination will focus on civil liberty themes such as those found in United States law in the First and/or Fourteenth Amendments of the United States Constitution, and may include such topics as freedom of speech, press, and association; religious free exercise and religious establishment by the State; the rights currently subsumed under the doctrine of substantive due process; and equal protection

COMPARATIVE WOMEN'S RIGHTS

Credits: 3

Through a comparative lens using the United States experience as a reference point, this course will explore specific legal issues of concern to women worldwide and the concomitant social and cultural factors that affect policy making. It will also address gender-related human rights issues and the role of international law. Topics will include: (1) marriage and family law, traditions, and rituals; (2) work and education; (3) health care and reproduction; (4) war and peace; (5) violence against women, including sexual harassment, prostitution, pornography, rape, and intimate partner abuse.

DEATH PENALTY

Credits: 2

The study of the death penalty in the United States, including: the history of capital punishment; arguments supporting and opposing capital punishment; constitutional issues under the Eighth and Fourteenth Amendments; the role of mitigating and aggravating evidence in guiding the sentencer's decision to impose; exclusion of jurors; the use of psychiatric experts in capital trials' state post-conviction remedies; the scope of federal habeas corpus review; constitutional challenges to the arbitrary imposition of the death sentence to those deserving death; the recently-expanded federal death penalty; and international law and capital punishment.

ELDER LAW

Credits: 2

Prerequisite: Trusts & Wills

The fastest growing segment of the population of the United States is the elderly. In 1950, 8.1% of Americans were age 65 or older. In 2020, that age group is expected to comprise 17.5% of the population. Traditional courses on wills trusts, and estate planning largely focus on after-death issues. This course will deal with the legal issues generated by increased life expectancy. These issues include age discrimination in employment, housing options, financing medical care, limiting the medical care provided to that desired, and ensuring control of financial affairs.

EMPLOYMENT DISCRIMINATION SEMINAR

Credits: 2

This seminar is the study of the law that prohibits employment decisions and actions based on human characteristics bearing no relation to job performance and ability; Title IV of the 1964 Civil Rights Act, The Age Discrimination in Employment Act, The Equal pay Act, and the Americans With Disabilities Act. The course also briefly looks at The Reconstruction Era Statutes, 42 U.S.C. §§ 1981 and 1983, in the context of employment discrimination, as well as constitutional considerations in the public sector. Through class problems and case studies students will study the modes of proof, defenses, remedies, administrative procedures, and litigation considerations.

ETHICAL ISSUES IN REPRESENTING CHILDREN

Credits: 2

This course examines ethical issues that arise in the process of representing children. We explore the ethical constraints of each model of child representation (i.e., guardian ad litem, attorney for child, attorney for situation) as well as ethical issues that arise when an attorney's

representation of adults or agencies also affects children. The instructors present introductory material on professional responsibility, legal issues affecting children, and child development. The students build from the introductory material to make class presentations. The course is highly reflective and interactive. Because student participation is crucial, students are expected to attend and actively participate in each session. Students write papers; there is no final examination.

FIRST AMENDMENT SEMINAR

Credits: 2

Recommended: Constitutional Law I & II

The purpose of this course is to introduce students to two major areas covered by the First Amendment of the United States Constitution: the Freedom of Speech Clause and the Religion Clauses. By the end of the course, we will have developed familiarization with the principal legal issues regarding these two areas and acquired a working knowledge of the fundamentals of First Amendment jurisprudence regarding the subjects of speech and religion. The course will consist of a combination of some lecture and some discussion of the reading materials and the problems which place the principles of the First Amendment into both practical and theoretical contexts. The evaluation of each student's performance in the course will be based on submission of a research paper covering a topic mutually agreed upon by the student and the instructor. The paper should be in the vicinity of thirty double-spaced typewritten pages, including footnotes or endnotes. This paper can satisfy the writing requirement for successful completion of studies at Gonzaga Law School.

INTERNATIONAL CULTURAL HERITAGE LAW

Credits: 2

Prerequisites: All first-year courses

Worldwide, requests have been made for repatriation of art and cultural property on the basis that these objects had been stolen or are central to the culture of indigenous populations. This course will examine the legal, moral and practical arguments for and against the various repatriation requests by individuals, groups, and nation states. The course will explore the nuances and complexities of these issues and will allow students to form their own conclusions about the appropriate ways to handle various repatriation requests in the context of law and public policy. Special emphasis will be placed on art repatriation efforts involving Italy and the United States.

INTERNATIONAL ORGANIZATIONS SEMINAR

Credits: 2

Recommended: Prior course in International Law

After a brief introductory discussion of the history, common characteristics, and problems of international organizations in general, this two credit seminar will focus on the United Nations and several of the principal treaty and Charter organizations of the UN family.

Also examined will be international organizations created by other international legal instruments that address regional as well as global issues. Toward the end of the course, some lecture presentation will be offered on the creation and establishment of the International Criminal Court.

Specific organizations under investigation will include those concerned with economic and commercial regulation and development and protection of human rights.

The paper submitted can be used to satisfy the writing requirement in accordance with law school policy and procedures.

JURISPRUDENCE REFLECTING CATHOLIC SOCIAL TEACHING Credits: 3

Jurisprudence Reflecting Catholic Social Teaching offers students an opportunity to study the impact of Catholic social teaching on legal doctrine and procedure. Topics to be studied would be the relationship between individual rights and the common good, the basis for criminal punishment, the distribution of income, religious liberty and the state. Students would study historical thinkers such as Augustine and Aquinas, as well as more modern expressions such as the documents of Vatican II and the writings of John Paul II.

LABOR LAW II (Public Sector)

Credits: 2

Prerequisite: Labor Law I

This course examines labor relations of states, counties, and municipalities. The course addresses employee organizations, differing models of negotiation laws, limitations on subjects of bargaining, impasse resolution devices, prohibition against strikes, effects of budgetary constraints, and the legal consequences of political/civil rights of public employees.

LEGAL HISTORY

Credits: 2

This course will explore how the American Legal System developed. Selective coverage may include various periods from its early origins in British law through the colonial and federalist periods all the way to the modern and post-modern era. Insights from the jurisprudential schools that influenced each period will be discussed along with the socio/economic settings and political events that have shaped the law's growth and contributed to its continuing importance in our country. Students will be given wide latitude to choose a topic for their paper which will count for a large portion of their grade.

MEDIA LAW

Credits: 3

An in-depth study of legal issues relating to the media. The course first addresses a variety of topics concerning the law of defamation, including the privileges and implications of the *New York Times v. Sullivan* decision, the fact/opinion dichotomy, malice, and the public figure doctrine. Students will also review the proposed uniform

law of libel. The course then focuses on privacy issues, the propriety of prior restraints, the use of confidential news sources, the Freedom of Information Act, commercial speech, taxation of the media and broadcast issues.

MENTAL DISABILITY LAW

Credits: 3

This course is designed to explore the relevant legal processes and the civil, constitutional, and criminal issues affecting persons with mental health disabilities. Possible topics include: involuntary civil commitment, institutional rights, the right to refuse treatment, deinstitutionalization, the Americans with Disabilities Act, competencies, the insanity defense, sexually violent predator acts, and the impact of mental disability in the criminal trial process on issues such as confessions and sentencing including the death penalty.

NON-PROFIT ORGANIZATIONS

Credits: 2

This course provides an organizational and operational overview of nonprofit organizations, including but not limited to general requirements, types of organizations, formation, structure, operation, and dissolution. The course also examines a number of tax law considerations, including but not limited to obtaining and maintaining tax exempt status under the Internal Revenue Code

PUBLIC POLICY ISSUES FOR AMERICAN INDIANS

Credits: 3

Prerequisites: Federal Indian law, Advanced & Federal Indian Law

This seminar course provides an opportunity to explore “frontier” issues in government for indigenous people by researching and studying economic and other policy issues as those policies relate to the development and enactment of civil laws targeted toward building sustainable economic systems in Indian Country. This course will examine – on a comparative law basis – the current and future role of public policy and the rule of law within American Indian governments with respect to commercial and other activities in Indian Country. Select readings will include disciplines such as law, economics, philosophy, and history. Each student will prepare a legal research paper (25-30 pages in length) for presentation to the seminar. Students will be required to review and critique papers prepared by other students enrolled in the seminar. Grades will be based on seminar participation and the paper.

WHITE COLLAR CRIME SEMINAR

Credits: 2

This course will explore some of the more complex criminal offenses and enterprises that the traditional Criminal Law course does not have time to cover.

WOMEN AND THE LAW

Credits: 2

This course is designed to provide a contemporary and historical inter-disciplinary perspective on the legal themes and theoretical bases for sex classification and

discrimination. The subject matter includes an examination of the competing theories of the origin and nature of gender inequality, violence against women, discrimination in employment, pregnancy and childbearing, current challenges to sexism in family law, and gender bias in the adjudicatory and alternative dispute resolution process.

SELECTED TOPICS

SELECTED TOPICS, 2 or 3 credits. Selected Topics will focus on emerging or specialized areas of law not covered in other upper-level courses. Specific topics will vary; registration materials will include more detailed course descriptions for Selected Topics offered in any given semester or summer session.

Selected Topics: Advanced Health Law – Fraud and Abuse and Antitrust

Credits: 2

Prerequisites: All first year classes, Fundamentals of Health Care Law, Administrative Law

The course will familiarize students with the federal and state laws and regulations designed to combat fraud and abuse in the delivery of health care. The course will examine the history, enforcement and interpretation of the civil False Claims Act. The federal anti-kickback statute, the federal Anti-Self Referral law (“Stark II”), the Civil Money Penalties Law, HIPAA, and various state laws and regulations aimed at preventing fraud and abuse in the health care industry. The course will also explore the powers and jurisdiction of the various federal and state enforcers of these laws, and industry responses for the enforcement efforts.

Selected Topics: Animal Law

Credits: 2

Prerequisites: All first-year courses

Recommended: Wills and Trusts, Administrative Law, Environmental Law

This course will introduce students to those principles, rules, and regulations, as developed by common and statutory law, that affect animals and people. Questions of property, torts, wills and trusts, contracts, administrative and constitutional law will be explored as these areas relate to animals. Additionally the course will cover protections under criminal and civil statutes; cruelty and abuse laws; legal standing for animals; treatment of laboratory animals; ownership and valuation issues; custody areas; and ethical and legal dilemmas posed by the capture, confinement, and commercial use of animals.

Selected Topics: Comparative Mental Disability Law & Human Rights Credits: 2

Prerequisites: None

Recommended predecessor courses: None

This course is designed to familiarize students with the relationship between international human rights law and mental disability law. We will focus on comparative mental disability law in civil and common law systems using the U.S. experience as a

point of reference. We will examine the applicability of international and regional human rights conventions, treaties, and agreements to issues of concern to people with mental disabilities. The course will also provide the opportunity to explore specific human rights issues such as suppressing political dissent through institutional psychiatry. Throughout the course, we will address the impact of stereotypes and myths about persons with mental disabilities on public policymaking.

Selected Topics: Indian Child Welfare Act of 1978, 2credits.

Recommended predecessor courses: Federal Indian Law and Family Law

This course will present an in-depth analysis of the Indian Child Welfare Act of 1978, starting with an overview of its historical context and the policies behind the Act's unique federal mandates to states courts that are dealing with Indian children in foster and adoptive care. The specific provisions regarding jurisdiction, rights of the tribes, burdens of proof, and placement preferences will be covered in depth, as well as the emerging case law from state courts. Students will be graded on class participation and a research paper.

Selected Topics: Law of the Plateau Tribes, 2crs

Prerequisite: Federal Indian Law

Recommended: Property, Civil Procedure, and Criminal Procedure

This course will examine the laws of the Confederated Tribes of the Colville Reservation, the Spokane Tribe, the Confederated Bands of Yakama, the Umatilla Confederated Tribes, the Coeur d'Alene Tribe, the Nez Perce Tribe, the Kalispell Tribe and the Bonners Ferry Kootenai. The course will examine each tribe's laws concerning tribal sovereignty, tribal criminal practice and procedure, non-adversarial dispute resolution procedures, and tribal court jurisdiction and the relationship between the tribe and state and county governments (for example, as regards the Indian Child Welfare Act and law enforcement). Additionally, legal concerns that are relatively unique or idiosyncratic to particular tribes will be explored, such as zoning and water rights issues for specific tribes. Tribal attorneys and/or tribal general counsel will make presentations on the law of their tribes. This is a paper course.

Selected Topics: Law of Sentencing & Corrections, 2crs

Prerequisite: Criminal Law

Recommended predecessor courses: Criminal Procedure, Administrative Law

An overview of the administrative and constitutional law governing prisons and correctional institutions in the United States, including prison discipline, constitutional rights of inmates, parole and probation, and sentencing.