

## Chapter 4 Curriculum - Juris Doctor Program

### Program Offered

ASL offers a sequence of courses designed to lead to a Juris Doctor degree. Requirements for the degree for students entering in the Fall of 2017 and after include completion of ninety-three semester credits, including a summer externship, and six semesters (or the equivalent thereof) in full-time residence. In addition, a student must obtain a cumulative grade point average of 2.1 or better in order to graduate. Contemporaneous with the time the academic requirements are completed, the J.D. degree is conferred.

ASL provides an academic community dedicated to creating an exciting, civil, and responsible educational environment. ASL offers a rigorous program for the professional preparation of lawyers by a nationally recruited, well-qualified, and diverse faculty which is particularly committed to a high level of student instruction in substantive law, professional responsibility, and practice skills. The faculty also emphasizes scholarship and community service while modeling excellence, integrity, and independence in the best traditions of the legal profession.

### Curricular Learning Objectives

Beginning with the 2015-16 year, ASL adopted the following curricular learning objectives that will be accomplished over the course of the 93 hour degree program:

- Graduates understand and integrate sufficient knowledge of core substantive and procedural law to pass the bar and begin competently practicing law within one year of graduating.
- Graduates will be able to analyze legal situations with the skill of an entering practicing attorney.
- Graduates will be able to synthesize rules from relevant sources of law.
- Graduates will be able to conduct legal research efficiently with a variety of research products.
- Graduates will be able to solve legal problems with the strategic ability of an entering practicing attorney.
- Graduates will be able to communicate professionally in both oral and written formats with a variety of legal constituencies.
- Graduates understand and integrate the rules of professional conduct that are essential for the ethical and professional practice of law.
- Graduates will be able to analyze a legal situation to determine and implement the ethical and professional course of action.
- Graduates will develop and embrace a sense of professionalism that transcends their practice by being resources for their communities and their profession.
- Graduates will be able to purposefully select, counsel, and implement traditional or alternative dispute resolution strategies that best align with each client's goals.
- Graduates will develop and embrace a sense of civic responsibility and leadership, including an awareness of local, state and national issues; involvement in community issues; collaboration to mitigate community problems and addressing community needs.

### Prescribed Curriculum -- Full-time Students -- J.D. Program

Students beginning their first year at ASL in the fall semester typically take required courses in Civil Procedure I & II, Contracts I & II, Criminal Law, Legal Process I & II, Property I & II, Introduction to ASL Legal Studies I & II, and Torts.

Students typically complete the required Externship course during the summer after their first year. Students also must successfully complete the following required upper-level courses prior to graduation: Appellate Advocacy; Bar Preparation Studies; Business Associations/Agency; Constitutional Law I; Constitutional Law II; Criminal Procedure; Evidence; Family Law; 8 credit hours of Practicum courses; Professional Responsibility; Secured Transactions/UCC; a Seminar, and Wills and Estates. Students also must take a prescribed number of Capstone Courses.

Prior to graduation from ASL, students also must satisfy two upper-level writing requirements. First, students must successfully complete the Seminar Writing Requirement, which requires the student to complete an expository or argumentative research paper of at least twenty pages in length, not including endnotes or footnotes. Most students satisfy the Seminar Writing Requirement by completing one of the Seminar courses during their third year of studies, although some students satisfy the requirement through work on Law Journal or Moot Court.

Second, all students must successfully complete at least one course designated as satisfying the Upper-Level Writing Skills Requirement. The purpose of this Requirement is to insure that all students receive substantial exposure, beyond the first-year Legal Process courses, to the types of writing and drafting that attorneys typically encounter in the practice of law. For a course to satisfy the Upper-Level Writing Skills Requirement, writing or drafting assignments must comprise at least a quarter of the work for the course. Courses that satisfy the Requirement will be designated by the Dean and the Associate Dean.

Prior to graduation, a total of 93 credit-hours of course work must be completed in compliance with the curricular structure established by the faculty. Please see Appendix F for the current ASL graduation worksheet, which will assist you in planning to meet ASL's graduation requirements.

The sequence in which courses are taken changes from time to time and may change during a student's period of studies at ASL.

### Spring-start Students

Students beginning their first year at ASL in the spring semester typically take Introduction to ASL Legal Studies I, Criminal Law, Professional Responsibility, Torts, and other courses as available during their first semester. The summer following the student's first semester, the student may enroll in additional courses for which they have completed the pre-requisites. In the following fall, the student will join the incoming fall class in Civil Procedure I, Property I, Contracts I, and Legal Process I and complete Introduction to ASL Legal Studies II.

The sequence in which courses are taken changes from time to time and may change during a student's period of studies at ASL. Please see Appendix F for the current ASL graduation worksheet, which will assist you in planning to meet ASL's graduation requirements.

### Reduced-load Students

ASL does not have a part-time program. Special permission from the Dean is required to enroll in less than 12 credit hours in a semester. Permission to take less than a full load of course will only be granted in exceptional circumstance and where students can demonstrate that they will still be able to graduate in a timely manner.

### Community Service

ASL's mission is to develop professionals who will serve as community leaders and community advocates. ASL provides a unique program of mandatory community service that students may complete in a variety of ways. As a requirement for graduation from ASL, each student must complete 25 hours of community service each semester. During their first semester in law school, students satisfy this requirement by taking the mandatory Introduction to Community Service class, which meets once per week throughout the Fall semester.

As just a few examples of direct community service provided by members of ASL community, Law students have volunteered with the Buchanan County Commonwealth's Attorney, students have tutored and mentored in the public school system, students have assisted Buchanan County by providing property research for the Great Eastern Trail and Spearhead Trail project, students have assisted the Buchanan County Humane Society and volunteered with the Volunteer Income Tax Assistance ("VITA") project. Students and faculty may create alternative service projects as well. For example, students have worked at a food bank, created personnel policies and a pay plan for a small town, coached  
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a high school athletic team or other clubs, worked at a local nursing home and worked as child advocates in the court system.

## Externships & Clinics

Since its inception, Appalachian School of Law has distinguished itself from other law schools by providing our students with practical legal experience well before graduation. ASL's externship program is a central part of the school's commitment to equipping students with practical lawyering skills. The externship also gives our students a chance to network and make connections that may aid students in their future law careers. During their externships, students may:

- Assist with trial strategy
- Draft judicial opinions
- Draft pleadings and legal memoranda
- Interview clients
- Observe court proceedings
- Perform factual investigations
- Research legal issues
- Update law libraries
- Assist in representing real clients
- Practice Client interviewing
- Mediate Disputes & Apply Alternative Dispute Resolution
- Hone courtroom presentation and evidentiary techniques
- First Year Summer Externship Program

Normally completed between their first and second years of school, all ASL students earn two hours of academic credit by spending at least 200 hours working under the supervision of an experienced attorney. This allows our students to take what they have learned in the classroom and apply it to the real world in public interest or pro bono legal environments during the summer. This experience then informs and transforms their remaining studies at ASL. In addition, students are also required to earn one hour of academic credit by completing the externship classroom component, which must be completed prior to their field placement. This component is designed to prepare students for the field placement experience. Topics covered during this class include, but are not limited to, what to expect at the placement, ethical considerations, and guidance on securing a site.

## Second Year Summer Internship Program

Beginning in the summer of 2013, ASL expanded its traditional externship program to include competitive placements for our most distinguished students. Through this component of the externship program, students compete for placement at sites that focus their practices in the areas of (1) natural resources and environmental law, (2) the judiciary and (3) administrative law. Students who are selected for these internships may receive a stipend to offset travel and living expenses.

## Third Year Live Client Clinics

ASL also created live client clinics for third year law students seeking to further enhance their experiential learning opportunities. Students enrolled in this track of the externship program must enroll in a corresponding seminar or practicum. The corresponding seminar or practicum is taught by ASL's tenure-track faculty in partnership with an attorney at the clinic who instructs the student in the relevant area of the law.

If you have additional questions, contact ASL's Externship Director.

## Summer / Intersession Courses

Courses may be offered in summer intersessions, as student interest and faculty availability allows. Intersessions are condensed format courses offered for academic credit. Specifics on summer session offerings and registration will be made available during the spring semester. Courses offered during past intersessions include: Business Organizations, Contract Drafting, Debtor Creditor Law, Environmental Crimes and Toxic Torts, Environmental Dispute Resolution, Insurance Law, Mineral Title Search & Examination, Real Estate Transactions, and Title Examination.

## Juris Master's Degree Program

ASL will confer the degree of Juris Master upon all candidates for the Juris Doctor in the spring semester of the year in which they (1) have completed the number of credits normally required in the first three semester for fall starting students; (2) have not received an F, W, WF, or I in a required course, unless that course has since been completed or retaken with a passing grade; and (3) are in good academic standing when the degree is to be conferred. Awarding ASL students the Juris Master's degree provides them recognition for mastering basic legal skills, and is in keeping with ASL's leadership role in the legal education community, where the school has earned well-deserved national repute for its commitment to legal education access, community service, and student externships. Students qualifying for Appalachian School of Law's Juris Master degree will receive their J.M. diplomas during a ceremony in ASL's Appellate Courtroom during the spring semester after satisfying the requirements above.

## The J.D. Certificate Programs

By focusing their upper level studies in specific areas of legal education, students pursuing a J.D. degree may earn a certificate in one of three areas of study: Criminal Law, Litigation, or Natural Resources Law. These certificates inform prospective employers that a student's legal education, in addition to fulfilling the general requirements necessary to receive the Juris Doctorate, has been concentrated in a specific practice area. ASL's certificates are awarded to students whose coursework and grades fulfill the requirements established for each of the programs. Certificates in the J.D. program are awarded only for coursework completed during a student's matriculation; however, a J.D. student who falls a few hours short of receiving a certificate in the J.D. program may opt to receive a post-J.D. professional certificate by completing the remaining courses needed to meet the credit hour requirement for the professional certificate at the price of \$1,150 per credit hour (the standard credit hour price for the professional certificate program.)

### CRIMINAL LAW CERTIFICATE

All required courses \* from the list below must be taken as well as an additional 12 hours of electives. To be eligible for the certificate the student must attain a grade no lower than "Competent" and a "B" average in all courses taken to meet the Certificate requirements.

- Criminal Law \*
- Criminal Procedure \*
- Appellate Advocacy –Criminal Law Section (Not Required, but Highly Recommended)
- Evidence \*
- Externship \*
- Virginia Criminal Procedure
- Criminal Trial Practice
- The Prosecution Project
- Post-Conviction Relief
- Mental Health in the Criminal Justice System
- Alternative Dispute Resolution
- Additional elective courses as approved by the faculty

The required first year summer externship, or an externship during the following summer, shall be with: 1) a prosecutor's office, 2) public defender's office, 3) a Judge, or 4) an Attorney General's office.

The student must complete a minimum of 120 hours of third year practice in a public defender's or prosecutor's office. The program will be fully implemented for the class of 2020. Anyone qualifying in the class of 2019 will also be given the certification. Upon graduation and completion of the above requirements, the student's transcript will reflect this certification with a list of the requirements attached.

#### LITIGATION CERTIFICATE (CRIMINAL, CIVIL, OR GENERAL)

An Appalachian School of Law graduate will receive a Certificate in Litigation with a corresponding notation in the student's permanent academic record if he or she successfully completes 29 credit hours of litigation related course work that meets the following criteria:

Students must take the following courses (26 credits):

- Civil Procedure I (2 credits)
- Civil Procedure II (3 credits)
- Criminal Law (3 credits)
- Criminal Procedure (3 credits)
- Evidence (4 credits)
- Appellate Advocacy (3 credits)
- Trial Advocacy (4 credits)
- Criminal Practice (4 credits), Pretrial Practice (4 credits) or Family Law Practice (4 credits)

In addition, a student may complete any combination of the following courses to fulfill the requirement:

- Advanced Criminal Procedure (3 credits)
- Virginia Civil Procedure (3 credits)
- Remedies (3 credits)
- Moot Court (2 credits)

A student must receive a "C" in each first year required course and have at least a cumulative 3.0 grade point average in the upper level courses that qualify the student to receive the certificate. Absent approval from the Academic Standards Committee, transferred credits for courses taken at other institutions will be counted with respect to 1L required courses, but will not count towards the Certificate for 2L and 3L courses.

If a student chooses Criminal Practice and Advanced Criminal Procedure as optional courses, the Litigation Certificate will reflect that concentration as a Criminal Litigation Certificate. If a student chooses Pretrial Practice and/or Family Law Practice and/or Virginia Civil Procedure and/or Remedies as optional courses, the Litigation Certificate will reflect that concentration as a Civil Litigation Certificate.

The Curriculum Committee and Academic Standards, with approval from the Dean and Assistant Dean, retain jurisdiction over the implementation, interpretation, and requirements for this certificate program.

#### NATURAL RESOURCES LAW CERTIFICATE

A student will receive a Certificate in Natural Resources Law with a corresponding notation in the student's permanent academic record if he or she meets the following criteria:

1. Successfully completes 12 hours of credit in specified natural resources classes and programs.
  - (a) Up to three of the required 12 hours may be fulfilled by (a) earning credit for work with the Natural Resources Law Journal (2 hours), (b) earning credit for participation on a qualifying moot court team (2 hours)<sup>1</sup>, (c) successfully completing a course through Virginia Tech's Graduate School of Natural Resources that has been approved for credit as part of the Virginia Tech Certificate in Graduate Studies in Natural Resources (3 hours)<sup>2</sup>, (d) earning credit through work at a clinic overseen by ASL's Natural Resources Law Program (1-3 hours)<sup>3</sup>, or (e) earning

credit through Independent Study on an approved topic (2 hours)<sup>4</sup>.

(b) At least 9 of the 12 hours must be earned by obtaining passing grades in approved natural resources classes.<sup>5</sup>

(c) The Natural Resources Law committee will have the authority to determine classes, programs, competitions and topics that qualify for credit, and to otherwise modify the credit requirements for achieving the Certificate.

2. Achieves at least a cumulative 3.0 grade point average in the graded ASL courses that count towards the 12 qualifying credit hours.

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<sup>1</sup>Qualifying moot court teams in the past have included ones that competed at the Pace National Environmental Law Competition and at the West Virginia National Energy Law Competition.

<sup>2</sup>At present, students can earn a certificate in Graduate Studies in Natural Resources from Virginia Tech by, among other criteria, successfully completing three approved courses through Virginia Tech's Graduate School. ASL students in good standing who wish to participate in that program are automatically admitted at Virginia Tech. ASL will be seeking approval from Virginia Tech to automatically admit an ASL student to take only one course as part of the ASL NR Certificate program. A class taken through Virginia Tech would not otherwise count towards the ASL graduation requirements.

<sup>3</sup>Students can earn credit toward the certificate by (a) working in the NRLC Clinic or (b) participating in a live client clinic in connection with their enrollment in a natural resources course. Credit earned through a live client clinic must be approved by the externship director and faculty member responsible for teaching the related natural resource course in order for the student to earn academic credit toward the certificate.

<sup>4</sup>Criteria for approved Independent Studies credit are already part of the Academic Standards. Students would have to meet all of those standards in addition to obtaining approval of the Natural Resources Law committee for the proposed topic.

<sup>5</sup>Qualifying courses in the ASL academic catalog are: Introduction to Natural Resources Law, Environmental Law, Natural Resources Law, Sustainable Energy Law, Real Estate Transactions, Coal & Hard Mineral Law, Environmental ADR, Oil & Gas Law, Law of Renewables, Water Law, Regulation of Energy Markets, and Utilities, Mineral Title Search & Examination, Administrative Law, Agricultural Law, Environmental Science for Lawyers, Energy Law and Policy, Practice Before the Federal Energy Regulatory Commission, and Energy, Economics, and the Environment. In addition, one section of Appellate Advocacy may be built around a problem in an area related to natural resources law, environmental law or energy law. Such a section will be designated "App Ad-NR," and it will be a qualifying course for purposes of meeting the NRL Certificate requirements.

3. Commencing in July 2016, students complete a publishable quality note in addition to the curricular writing requirements within the Certificate qualifying courses.

4. Meets all other requirements to graduate from ASL.

## Course Descriptions

ASL's course descriptions are listed in alphabetical order. Courses that will satisfy requirements such as the capstone elective, practicum, or seminar requirements will be noted in parenthesis after the number of credit hours. Capstone electives are designed to provide students with a comprehensive review of various subject matters essential to the practice of law. The offerings for capstone electives vary from year to year. Practicum courses are designed to give students practical, skills-based training. These courses combine skills training with additional instruction in a particular substantive area of the law. The practicum offerings vary from year to year and enrollment in each course is limited. Seminar courses require students to complete an expository or argumentative research paper under faculty supervision. Seminar offerings vary from year to year and are normally completed in the 3L year.

### Administrative Law - 3 credit hours (capstone elective)

Examines the role of the formal and informal administrative processes in our society, and emphasizes the powers and procedures common to all administrative agencies and the relationships among the legislative, judicial, and executive branches in the development of public policy.

### Advanced Legal Research – 1 credit hour (general elective)

Advanced Legal Research expands on the skills first year students learned in Legal Process I and II. It focuses on the type of research projects lawyers face in the first few years of practice.

#### Advanced Torts – 3 credit hours (capstone elective)

Expands on the issues examined in the first year Torts course. It focuses on privacy, business torts, product liability, and defamation. Prerequisite: Torts

#### Agency/Partnership – 2 credit hours (general elective)

This course will explore unincorporated business associations. We will consider agency, partnership and limited liability entities. Discussion will emphasize the obligations, benefits and pitfalls of each entity. Cases will be reviewed that are in conflict and/or turn on minor differences. The class will discuss and consider why, in recent years, these types of business associations have become more prevalent and important. Prerequisites: Contracts I & II and Torts.

The goal of this course is to provide students with a basic background in this area of the law. Upon completion, students should feel reasonably comfortable advising clients on these issues.

#### Agricultural Law: Food Safety, Security, Sustainability – 2 credit hours (seminar)

In recent years, our agricultural practices have come under increasing criticism. Our food supply has turned from traditional farming and traditional food sources to factory farming and processed foods, leading to a variety of food safety issues. At the same time, the very practices that allow farmers to produce enough food for the current population are creating environmental degradation that call into question the sustainability of our food security. The course examines the roles of governments in subsidizing farming and regulating food practices while balancing the tensions between food safety, food security, and sustainable food supplies.

#### Appellate Advocacy - 3 credit hours (required course)

Appellate Advocacy is an upper-level required course which provides second year students with the opportunity to further develop their skills as a legal writer and oral advocate. The course focuses on appellate theory and practice, standards of review, advanced appellate brief writing, and the art of appellate oral argument. Students will complete at least one major writing assignment and participate in a class wide moot court competition. Appellate Advocacy is generally offered in at least two sections. At least one section will utilize a hypothetical drawn from natural resource law, while the other section(s) focus on a hypothetical drawn more broadly from other fields of law. Prerequisite: Legal Process I & II

#### Assistantship, Research, or Teaching – 1 credit hour [4 hour maximum toward degree]

A student will work under the supervision of a member of the full time faculty and assist in providing research assistance to the faculty member in furtherance of a substantial scholarly endeavor or assist in grading formative assessments and providing supplemental instruction to lower level students. This endeavor will broaden or deepen a student's knowledge of a law topic beyond that provided in a standard offering of a course's material. A student must complete and document 65 hours of work and in the case of a teaching assistantship, [substantial experience]. The supervising faculty member will verify completion of requirements to earn credit. Prerequisite: Completion of all the required first year courses and, if a teaching assistantship, the course for which assistance will be provided

#### Bar Preparation Studies - 3 credit hours (required course)

Bar Preparation Studies (BPS) is a bar preparatory course that will build on the analytical, writing and organizational skills taught across the ASL curriculum with the goal of enhancing a student's ability to prepare for the bar examination. Although the most intensive preparation for the bar will occur in the nine to eleven weeks before the bar examination, BPS will prepare students for that period of study and practice by introducing them to the format and components of the bar exam and the scope of the task, and by conveying information about study and organizational skills. Students will review selected substantive topics, learn methods by which to review the tested areas of law, complete practice essays, multiple choice and performance test questions, and receive feedback on practice questions. This course is not intended to replace commercial bar preparation courses, but rather to introduce (or re-introduce) students to tested substantive law and many of the strategies needed to perform well on the bar exam. While this course focuses on the Multistate Bar Examination subjects (Constitutional Law, Contracts,

Criminal Law and Procedure, Evidence, Real Property and Torts), the class will also include additional sessions and lectures on state subjects, based on the state bar exam being taken by students. -- Civil Procedure I & II; Contracts I & II; Property I & II; Constitutional Law I & II; Criminal Law; Criminal Procedure; Torts; and, Evidence.

**Business Associations/Agency or Business Organizations – 4 credit hours (required course)**

Business Associations/Agency is a study of the law concerning business entities, including: the factors affecting the selection of the form of a business enterprise; the nature of corporate entities; and the promotion, organization, activities, financing, management, and dissolution of business corporations. In addition to discussing the law of corporations, the course covers the principles by which one party may act as agent for another and the law governing unincorporated business organizations such as partnerships, limited partnerships, limited liability companies, and limited liability partnerships. Prerequisites: Contracts I & II; Torts; Property I & II

**Civil Procedure I - 2 credit hours (required course)**

A general survey of court procedure in civil cases using federal civil procedure as a model. The course covers the jurisdiction of courts (both personal and subject matter), venue, pleading, discovery, disposition without trial, joinder of claims and parties, and effects of judgments. Prerequisite: Introduction to Law

**Civil Procedure II - 3 credit hours (required course)**

A continuation of Civil Procedure I. Prerequisite: Civil Procedure I

**Client Interviewing, Counseling, and Negotiation - 4 credit hours (practicum)**

In this course, students will develop the skills involved in successful interviewing and counseling of clients and optimal negotiation with non-clients. Daily interactive simulations will be combined with frequent short writing assignments (app. 3 pages) designed to solidify the analysis and communication skills students have acquired in earlier courses. Heavy emphasis will be placed on the psychological factors affecting the interviewing, counseling, and negotiation processes as well as the need for linguistic precision when interacting with clients and non-clients. Simulations and assignments will involve various areas of law, but the class will culminate in the negotiation and drafting of a 10-page settlement agreement for a civil dispute.

**Coal Law – 2 - 4 credit hours (practicum)(may be offered as a combined course with Oil and Gas Law)**

Familiarizes students with the legal, business and environmental side of the coal and hard mineral law. Although broadly covering the industry, the course will specifically prepare and introduce students to focus on the nature of ownership of subsurface minerals; methods of transferring ownership; property rights; partition among co-owners; analysis of leasehold estates, rights and duties; coal mining rights and privileges; regulatory and environmental issues; and administrative processes. The course will require the drafting of legal memorandums and pleadings, oral presentations, and advocacy skills. The course makes use of speakers who serve as in-house counsel for energy companies and utilities, and/or practitioners in the natural resource industry.

**Conflict of Laws - 3 credit hours (capstone)**

A study of the law relating to transactions with elements in more than one state or nation, jurisdiction of courts and enforcement of foreign judgments, constitutional issues, and the theoretical basis of choice of law. Prerequisites: Civil Procedure I & II

**Constitutional Law I - 3 credit hours (required course)**

A study of the provisions in the United States Constitution governing our form of government and the powers of the federal judiciary, legislature, and executive. The course also reviews relations between the federal government and the states.

**Constitutional Law II - 3 credit hours (required course)**

A study of the limitations on governmental power over individuals inherent in constitutional provisions relating to



due process and equal protection and freedom of speech and religion. The course evaluates the restrictions on private action mandated or permitted by these constitutional provisions. Prerequisites: Constitutional Law I

#### Contract Drafting – 2 credit hours (practicum)

This course will teach you the principles of contemporary commercial contract drafting and introduce you to documents typically used in a variety of transactions. The skills you gain will apply to any transactional practice and will even be useful to litigators. On finishing the course, you will know: the business purpose of each of the contract concepts; how to translate the business deal into contract concepts; how to draft each of a contract's parts; how to draft with clarity and without ambiguity; how to add value to a deal; how to work through the drafting process; and how to review and comment on a contract. Prerequisites: Contracts I & II

#### Contracts I – 3 credit hours (required course)

Encompasses the study of legally enforceable promises, termed "contracts." The course encompasses the study of what types of promises are legally enforceable, what it takes to form a contract, what the obligations of the parties are, what constitutes breach, and what remedies are available upon breach.

#### Contracts II - 3 credit hours (required course)

A continuation of Contracts I. Prerequisites: Contracts I

#### Corporate Governance - 2 credit hours (seminar)

It is vitally important that every student have some basic knowledge of how corporations are governed and the impact such governance has on our daily lives. The food we eat, the air we breathe, the safety of our modes of transportation (from bicycles to eighteen wheelers!) are all dependent upon the type of corporate governance of the corporations which affect these areas. The fact that real people who manage corporations make decisions which can greatly benefit or harm us makes it imperative that we examine such decisions and decide how corporations should operate to serve the interests not only of their shareholders but also of the American people. This Corporate Governance will examine these issues and others.

#### Criminal Law - 3 credit hours (required course)

An inquiry into the sources and goals of the criminal law, general principles of liability and defenses, and the characteristics of particular crimes.

#### Criminal Practice - 4 credit hours (practicum)

Includes both substantive instruction and skills training on pre- and post-trial criminal practice issues. Students will prepare written motions and participate in simulated in-class exercises involving indictment and charging decisions, client relations, bail and release, investigation, discovery, preliminary hearings, pre-trial motions, guilty pleas, sentencing, and probation. The course focuses on both defense and prosecution issues and students will have the opportunity to experience both sides of criminal practice through in-class exercises. Prerequisites: Criminal Law; Criminal Procedure; and Evidence

#### Criminal Procedure - 3 credit hours (required course)

A survey of federal procedures and constitutional safeguards applicable in the criminal justice system, focusing on police investigation and arrest. Particular emphasis is given to Fourth Amendment issues. Prerequisites: Criminal Law

#### Current Issues in Constitutional Law – 2 credit hours (seminar)

Examines decisions of the Supreme Court dealing with constitutional law. Students will undertake detailed analysis and in-class discussion of the decisions and their rationale. Prerequisites: Constitutional Law I and Constitutional Law II

### Debtor-Creditor Law - 3 credit hours (capstone and state practice elective)

This course will offer a comprehensive study of the legal principles governing the relationship of debtors and creditors, with primary emphasis on non-bankruptcy state law matters. The course will focus on creditor's rights and remedies as well as debtor's rights under state law. A brief introduction to bankruptcy and secured transactions will also be presented as part of the course since it necessarily relates to the overall understanding of the debtor-creditor relationship.

### Dispute Resolution - 2 credit hours (required course)

Provides students with a working knowledge of dispute resolution theory and practice. The major dispute resolution processes are examined critically with discussion of their strengths and weaknesses. Particular emphasis is given to negotiation, mediation, arbitration, and ethics. Legal, ethical, and policy issues that arise in the use of dispute resolution processes also are examined. A major theme throughout the course is the selection of appropriate dispute resolution forums and representation of clients in dispute resolution.

### Doing and Undoing Environmental Regulations – 2 credit hours (general elective)

With new presidential administrations come new environmental policies. After a slew of congressionally-enacted environmental laws in the 1970s and 1980s, EPA and other federal agencies set out to implement and enforce those laws through rule-making, and presidents complemented such rule-making with executive orders and enforcement priorities. Perhaps in no other area of law, at least in recent years, do new administrations impose their priorities more than in the rules and policies relating to the environment, energy, land use and climate change. This course will explore the legal and administrative tools that are available to new administrations to change or erase the environmental policies of their predecessors, as well as the legal and administrative obstacles new administrations face in such efforts. The class will look broadly at policy changes between administrations dating back to the 1970s, before looking into specific rules and policies that have been reversed with the more recent changes of administrations, paying specific attention to the dismantling of Obama-era environmental regulations under the Trump administration. The Administrative Procedures Act, the Congressional Review Act, Executive Orders, prosecutorial discretion, enforcement policies, and taking new positions in litigation will all be explored for their impact on attempts to effectuate environmental policy and regulatory changes between presidential administrations. This two-hour course will combine seminar-style lectures with class discussion and debate, and will culminate in a final exam.

### E-discovery – 3 credit hours

This course guides the student through the complicated process of handling Electronically Stored Information (ESI). Recommended best practices are explored and analyzed within the framework of the ABA Model Rules of Professional Conduct with particular emphasis on lawyer competence in technology matters. The knowledge gained in this course will benefit both those who plan to be litigators as well as those who choose a transactional practice. The subject matter includes an in depth analysis of ESI, metadata, litigation holds, social media and related digital information sources. The Federal Rules of Civil Procedure will be examined to illustrate the shift from paper to digital records in litigation and the subsequent changes to the Rules to accommodate this new environment. Students will also review the Electronic Discovery Reference Model (EDRM) and the principles established by the Sedona Conference to develop skills and experience in handling digital information. Throughout the course, students will learn the ethical requirements governing the attorney's role in the collection, storage and dissemination of digital information. Prerequisites: Civil Procedure I and Civil Procedure II.

### Energy, Economics, and the Environment – 2 or 3 credit hours

Energy, Economics, and the Environment examines developing legal issues in the energy industry through the lens of economic theory. The course focuses on the environmental issues resulting from energy usage and regulatory schemes. Relevant constitutional law issues will be discussed as well as the complex challenges facing the utility industry and its regulators as renewable energy begins to gain a foothold in the United States. The legal hurdles to effective regulation of transportation form a significant component of the course as well as the role of corporate social responsibility in a heavily regulated industry.

#### Entrepreneurship Law – 2 credit hours (practicum)

Entrepreneurship Law is designed to give law students exposure to the lawyer's activities in the life cycle of a business, from start-up to disposition. In addition to relevant legal principles and key forms used in the market, this course will bore into significant financial concepts that every good business attorney should know. This course will review how to start, finance, buy, and sell a business. Students will be paired into firms, buy-side and sell-side, for the final assignment.

#### Evidence - 4 credit hours (required course)

An examination of the rules governing the admissibility of evidence in civil and criminal trials, with particular emphasis on the Federal Rules of Evidence. Topics covered include relevancy, the hearsay rule and its exceptions, examination, cross-examination, and impeachment of witnesses, witness competency, opinion and scientific evidence, admissibility of writings, judicial notice, and burdens of proof and presumptions.

#### Environmental Crimes and Torts – 2 credit hours (practicum)

Environmental Crimes and Torts will cover major cases as well as the elements and prosecutorial procedure of criminal actions under major U.S. environmental laws such as the Clean Water Act and Clean Air Act. The course will also discuss major issues and special issues surrounding toxic torts. The course will be a combination of lecture and practical work with the primary assessments for the course consisting of several relatively small drafting assignments such as a complaint; answer; motion to dismiss; motion for a new trial; or a portion of any of these. Prerequisites: Torts and Criminal Law

#### Environmental Dispute Resolution – 2-4 credit hours (practicum)

Explores the characteristics of environmental and natural resource disputes, how they arise, and how we choose to resolve them. The course examines the range of resolution options available, from rights-based approaches (litigation, appellate advocacy and arbitration) to interest-based approaches (consensus building, mediation, collaborative governance and group facilitation). Students practice and explore the skills needed to use collaborative practices in typically adversarial interactions. This skills course relies heavily on simulations involving resource disputes taken from current headlines, such as those involving endangered species of the Upper Clinch River Valley, mountain top mining permits granted in Central Appalachia, and ridgeline placement of wind farms. It will also examine the approach taken by the administrator of the BP Deepwater Horizon Disaster Victim Compensation Fund.

#### Environmental Law - 3 credit hours (seminar)

Examines selected topics in the law governing the protection of air, water, and land from pollution. Early class sessions will cover: (1) brief overviews of the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act; (2) the impact of Climate Change on the permitting process; (3) additional areas of environmental law having regional connections, including mine permitting and regulation; (4) competing conceptual approaches to environmental regulation; (5) the political and bureaucratic aspects of environmental regulation as a model of regulation generally; (6) emerging notions of environmental justice; and (7) the role of citizen enforcement, including the implications of recent U.S. Supreme Court decisions dealing with the issue of standing. Reading materials will focus on judicial decisions, administrative materials, and case law but will also include selections from the literature of science, economics, and political science that underlie current legal debates in environmental law. Early classes will involve the students in informal presentations based on the reading materials. The last few classes will be devoted to presentation and discussion of student research papers.

#### Estate Planning – 2-4 credit hours (practicum)

Develops students' skills relating to the disposition of property during lifetime and at death. The first part of the course will examine federal estate and gift taxation. The second part of the course will focus on developing estate plans and drafting the instruments (e.g., wills, trusts, etc.) necessary to implement such plans so as to accomplish a client's non-tax objectives while minimizing estate taxes, gift taxes, and income taxes. Prerequisites: Wills and Estates

Externship – field work 2 credit hours (required course); classroom component 1 credit hour (required course)

Allows students to apply the skills learned in the core curriculum. Students typically take this course during the summer following their first year of studies. Students work for a total of approximately 200 unpaid hours in a judge's chambers, public law office, or public interest organization under the direct supervision of a licensed attorney. Each student is assigned to a full-time faculty coordinator and the faculty coordinators conduct an orientation and a debriefing session before and after the externships. Externship placements for students have included federal magistrate, district court, and circuit judges; state Supreme Court justices in Virginia, Kentucky, Tennessee, and North Carolina; state trial judges in Virginia, West Virginia, and Kentucky; U.S. Environmental Protection Agency and U.S. Department of Justice; Virginia Attorney General's Office; Virginia, West Virginia, and Kentucky Legal Services offices; Tennessee District Attorneys; Virginia Commonwealth Attorneys; West Virginia District Attorneys; North Carolina District Attorneys; Kentucky County Attorneys; Georgia District Attorneys; South Carolina Solicitor's Office; and the Air Force Legal Office. Extern students' experiences typically include a combination of the following: observing court proceedings, researching legal issues, performing factual investigations, drafting pleadings and legal memoranda, drafting judicial opinions, updating law libraries, and assisting with trial strategy and problem solving. Prerequisite: Completion of 28 credit hours prior to beginning work at field placement.

Family Law - 3 credit hours (required course)

Covers various subject areas in family law, and introduction on how to practice in the family law area. The main topics covered are marriage, divorce, division of property, spousal support, child custody and visitation, child support, adoption, and domestic violence.

Family Law Live Client Clinic – 1 credit hour

Family Law Practice – 2-4 credit hours (practicum)

Focuses on substantive instruction and skills training in issues most prevalent to a family law practitioner. The course will cover selected subject areas in family law, such as annulment, divorce grounds and defenses, spousal support, child support, property division upon dissolution of marriage, ante-nuptial agreements, post-nuptial agreements, and child custody and visitation. Students will receive instruction in the preparation of pleadings, motions, court orders, and agreements. Students will also participate in simulated in-class exercises, including in-class simulated client interviews and court hearings. Prerequisite: Family Law

Federal Income Taxation - 3 credit hours (capstone elective)

Gives a basic understanding of federal income taxation relating to individuals and teaches the use and interpretation of complex statutes and regulations.

Independent Study - 1 to 3 credit hours

Involves assigned readings, conferences, research, and writing in specialized or advanced areas of the law. Proposals for Independent Study must be approved by the supervising professor and the Dean.

Information Privacy Law – 2 credit hours (seminar)

An exploration of some of the areas in which information privacy may be at risk: law enforcement, national security, health care, financial data, etc. This offering is usually taught as a seminar. In each area, the seminar examines case law, statutory regimes, and policy approaches. The seminar is usually taught as a colloquium; after an introduction to several legal and philosophical perspectives on information privacy, teaching will be undertaken by students, with each team of students being responsible for leading a discussion on a topic related to information privacy. Students will also complete a final paper on some aspect of information privacy law covered in the seminar.

Insurance Law - 2 credit hours (general elective)

Will focus on substantive instruction and writing skills training in issues most relevant to an insurance law practice. The course will include study of selected subject areas in insurance law, including automobile, fire and

casualty (homeowners), liability, health, and disability. Among other topics covered will be the formation and operation of the insurance contract, coverage and exclusions, insurable interests, the claims process, subrogation, and vehicles to determine coverage issues such as declaratory judgment actions.

#### Immigration Law – 2 credit hours

This course will introduce students to the basic rules governing noncitizens who wish to enter, who live, study, and/or work in the United States. Using problems and case studies, students will examine the Immigration and Nationality Act and requirements for and restrictions on entry into the U.S. (visas and admissibility); rights and restrictions on activities once in the U.S. (e.g., work, education; drivers licenses); removal of noncitizens; and naturalization.

#### Intellectual Property – 3 credit hours (general elective)

During the first half of this course students will receive an introduction to trademark, copyright, and patent law. The second half of the class will focus on day-to-day issues regarding intellectual property in the workplace and in transactions. For example, we will study: (1) intellectual property provisions in employment agreements, (2) provisions regarding ownership of intellectual property that appears generally in asset or stock acquisition agreements, (3) nondisclosure agreements, and (4) contracts for the sale of intellectual property.

#### Intensive Negotiations Workshop – 2 credit hours

Intensive Negotiations Workshop teaches negotiation skills using both in-class instruction and simulated negotiation exercise.

#### Introduction to ASL Legal Studies I and II - 2 credit hours each (required course)

Introduction to ASL Legal Studies is a two-semester academic excellence course designed to teach the skills necessary to successfully participate in class, effectively manage time, prepare course materials, and practice for exams. Students will learn the critical reading, writing, and thinking skills that are essential to excel in law school, pass the bar exam, and succeed in the practice of law. Topics to be covered include the stages of a lawsuit, court structure, case and statute reading and briefing, understanding case rationales, case synthesis, time management, optimizing individual learning styles, course outlining, law school and legal note-taking, issue spotting on essays, how to analyze (and write) effectively for law school exams, how to answer law school and MBE-style multiple choice questions, and other exam-taking strategies.

#### Introduction to ASL Legal Studies III and IV - 2 credit hours each

A continuation of Introduction to ASL Legal Studies I and II. Introduction to ASL Legal Studies III is required for students who receive a grade of NP or F in four or more doctrinal courses in their 1L year. Students who receive a grade below a "C" in Introduction to ASL Legal Studies III will be required to take Introduction to ASL Legal Studies IV.

#### Introduction to Externship – 1 credit hour (required course)

#### Introduction to Law/Strategies for Success (replaced in 2017 by Introduction to ASL Legal Studies)– 1 credit hour (required course)

An introduction to legal analysis and the legal process. The course introduces the student to the structure of the judicial system and the thought processes used in it. In addition, there is significant emphasis on the nature of the legal profession, rules of conduct for lawyers, and the ideal of professionalism.

#### Juvenile Law - 2 credit hours (seminar or practicum)

This course is a study of the three principal branches of juvenile court jurisdiction: delinquency, abuse/neglect and status offense proceedings as well as the basics of developmental psychology in exploring questions of capacity, competency and culpability. The course analyzes how the role of counsel differs from the role of a guardian ad litem or of a Court Appointed Special Advocate. Each student writes a 20-25 page research paper on some topic of juvenile law and makes a twenty minute presentation of the topic in class. The paper is critiqued, and the student edits and resubmits it for the final grade. This course satisfies the upper level writing requirement.

#### Law Journal - 2 credit hours

Credit is awarded to students who successfully complete two years of service on Appalachian School of Law Journal of Law, including at least one year as a member of the Board of the Journal, and who produces a note of publishable quality. Successful completion of the requirements is determined by the Journal's faculty advisor. This course is graded on a pass/fail basis, and credit is awarded during the student's final semester in law school. Successful completion of the course will substitute for the seminar requirement or for a 2-credit-hour elective course, at the student's option.

#### Law of Coalbed Methane – 1 credit hour (general elective)

This course will provide students with the opportunity to explore the unique legal issues associated with coalbed methane gas. The course will fall into three segments. Part one will provide a brief introduction to coalbed methane's history, production, and development. Part two will then comparatively examine ownership theories. Finally, part three will present each ownership theory through state and federal case-law.

#### Law Office Management/Solo Law Practice - 2 credit hours (practicum)

Provides grounding in lawyering skills in several areas: legal drafting, interaction with clients, and the management of a small law office. The legal drafting component emphasizes the drafting of transactional documents, e.g., various types of contracts, rather than litigation documents. The course includes practice exercises simulating work with clients and the other parties on business transactions. Topics covered in the office management component include: structure of law firms; financial issues (including compensation, billing, fees, and trust accounts); business development (marketing and advertising); law practice tools; and personnel, office, and operational issues.

#### Legal Process I - 3 credit hours (required course)

The Legal Process component of this course explores the basic methods of legal analysis and legal research, and how to write clear and concise predictive legal analyses. Students are assigned a number of research and writing projects, which may include briefing cases and drafting office memoranda and client communications. Students also gain experience in editing and rewriting.

#### Legal Process II - 3 credit hours (required course)

A continuation of Legal Process I that explores the art and science of legal writing in greater depth. Students will complete written assignments of significant complexity and acquire more advanced research skills to be used in the production of practice-ready predictive and persuasive legal documents. Students will apply the lessons of Legal Process I and II to their own careers, learning how to write compelling cover letters and other successful professional correspondence. Prerequisites: Legal Process I

#### Mental Health in the Criminal Justice System – 2 credit hours (practicum)

During this course, students will: 1) Learn practical knowledge using a comprehensive overview of mental health jurisprudence in a variety of criminal litigation contexts such as competency to stand trial, criminal responsibility, competency to be executed, juvenile transfer, sexual offender risk assessment, and civil commitment. 2) Understand the background, efficacy and reliability of instruments and methods currently employed in the forensic assessment of mental disability and/or aptitude. 3) Discover the ethical dilemmas and legal ramifications inherent in the

representation or prosecution of those with mental health problems in the modern and historical legal system. 4) Gauge the knowledge, skill, experience, training, education, credentials, and effectiveness of potential mental health experts and consultants, with an understanding of the discrete nature and critical impact of each of these professional attributes.

#### Mineral Title Search and Examination – 2 credit hours (practicum)

This course will familiarize and provide the students with an overview of the process of examining mineral titles and rendering legal opinions on title in the context of mineral production and development. Students will gain hands-on experience by conducting mineral title examinations in regional courthouses as well as drafting title opinions. The course will focus on examining title to Appalachian mineral properties, including natural gas and coal. The course will include a hands-on title search component where students will research the title from public records, learn how to identify conveyances and exceptions, and how to construe a mineral severance deed. The course will cover examining the title and identifying potential problems with the title, such as mortgages, easements, inadequate legal descriptions, improperly acknowledged documents, powers of attorney, foreclosures, bankruptcies, unpaid taxes, deed restrictions and reverters.

#### Moot Court - 2 credit hours

Students who successfully complete four semesters of service on the Appalachian School of Law Moot Court Board, independently prepare at least one brief, and compete in an interscholastic Moot Court competition may substitute such service for the Seminar Requirement. The Moot Court Program's Faculty Advisor(s) will review at least one draft and provide feedback and opportunity for revision of the student's brief. If interscholastic competition rules prevent such review and feedback prior to submission of an independently prepared competition brief, that process may take place after the brief is submitted but before seminar credit is awarded. In all cases the Moot Court Program's Faculty Advisor(s) shall determine the sufficiency of the brief prior to an award of seminar credit. Students who successfully complete four semesters of service on Appalachian School of Law Moot Court Board and compete in an interscholastic Moot Court competition may substitute such service for a two-credit upper level elective course. In such cases, the student shall earn two semester credit hours for "Moot Court" at the end of the student's final semester.

The Moot Court Program's Faculty Advisor(s) will determine whether students have successfully completed Moot Court service and are eligible for seminar or elective credit. Students may receive a total of two (2) credits for Moot Court activities, regardless of the number of competitions in which they compete.

#### Multistate Bar Examination (MBE) Fundamentals – 2 credit hours (capstone)

Course structure: This upper level course combines substantive review of bar-tested subjects with multiple choice question deconstruction and extensive practice.

This course is designed to provide early preparation for the Multistate Bar Exam (MBE) and uses best practices and cognitive learning science to promote learning. The course will be focused directly towards driving student achievement on the bar exam by working to build critical analytical skills, and will combine substantive review with multiple choice question deconstruction. The primary goal of this course is to develop the expertise and sound analytical processes necessary for MBE multiple choice questions. Practice-testing will include actual former MBE questions. Please note that this course is not remedial in nature; on the contrary, the course will cover a significant amount of substantive information and will be fast-paced.

#### Natural Resources – 2 credit hours (seminar)

Examines the specialized property rules governing estates in natural resources, the correlative rights of surface and mineral owners, and the rights to explore, mine and extract, develop, and transport natural resources, with primary emphasis on "hard" minerals. As a compliment to existing courses in Administrative and Environmental law, the course examines selected issues of natural resources regulation from the perspective of the regulated community.

#### Negotiations in the Criminal Justice System – 2 credit hours (practicum)

This two credit course fosters acquisition and development of negotiation skills, relevant to criminal proceedings. The course will cover ethical, practical and skills based techniques and issues. Upon successful completion of Negotiations in the Criminal Justice System,” students will be able to: 1) Evaluate all aspects of a criminal case from both a prosecution and defense perspective. 2) Understand the ethical and legal bounds of prosecutorial discretion, including tactics, for structuring and offering a plea bargain. 3) Understand the value and potential pitfalls of plea bargaining as a method for resolving criminal cases. 4) As defense counsel, evaluate a defendant’s best interests as well as formulating a well thought out strategy for plea negotiations with prosecutors and complaining witnesses. 5) Know the obligations of effective plea bargaining as mandated by the ABA Standards of Practice and recent court cases.

#### Oil and Gas Law – 2-4 credit hours (practicum)(may offered as a combined course with Coal Law)

Applies property law and contract law principles to a complex natural resource, and evaluates resource rights from the perspective of the developer, the property owner, and the regulator. ASL is in the Marcellus shale region, one of the largest shale plays in the U.S. With U.S. oil and gas production exploding, and world demand and competition for natural resources growing, students are exposed to a growing area of law in need of lawyers who can serve as effective advocates, problem solvers and negotiators. Topics include the creation of mineral property interests in oil and gas, how those interests differ from other forms of real property, and how they are conveyed. Students evaluate oil and gas lease provisions, the principal instruments for transferring oil and gas rights. The course may require review and/or drafting of contracts, legal memorandums, and transactional documents. The course makes use of speakers who serve as in-house counsel for energy companies and utilities, and/or practitioners in the natural resource industry.

#### Post-Conviction Relief – 2 credit hours (seminar)

This course will cover principles and practices of post-conviction remedies available to collaterally attack a criminal conviction in federal courts. This class will provide students an opportunity to observe how constitutional law, criminal law and procedure, and civil procedure apply to Post-Conviction relief.

#### Pretrial Practice - 4 credit hours (practicum)

Focuses on the handling and preparation of a civil case from the time a client walks in the lawyer’s office to the eve of trial. Specific topic covered will include: client interviewing and counseling; tactical considerations of where and what to file; preparation of the pleadings; taking and defending discovery; interviewing witnesses; preparation of pretrial motions. Students will prepare a series of written documents and take part in a variety of in-class exercises.

#### Pretrial Practice Live Client Clinic – 1 credit hour

#### Professional Responsibility - 3 credit hours (required course)

Instruction in the history, structure, goals, duties, values, and responsibilities of the legal profession, including instruction in the Model Rules of Professional Conduct. The course focuses on a lawyer's responsibilities and duties to clients, the legal profession, courts, and the public.

#### Property I - 3 credit hours (required course)

Introduction to the law of personal property and real property, including estates and other interests in land, real property marketing and conveyancing, landlord and tenant issues, nuisance, regulatory limitations on land use, and eminent domain and inverse condemnation.

#### Property II - 3 credit hours (required course)

A continuation of Property I. Prerequisite: Property I



#### Real Estate Transactions – 2-4 credit hours (practicum)

Focuses on how commercial and residential real estate is conveyed. Lecture will discuss legal theories of title, transfer, and ownership issues. Students will prepare written projects that will require research of title records, statutes, and precedent. Projects will follow real property as it is conveyed, mortgaged, leased, and foreclosed. Condominium issues and mineral rights transfers will be addressed. Students will work with a local attorney to gain experience in current issues. Skills elements of this course include real estate title search; drafting of purchase and sales agreements, deeds, mortgages, UCC statements, closing settlement statements, and leases; drafting and review of easements, attachments, and other encumbrances; and drafting and scheduling of foreclosure sale. Prerequisites: Contracts I & II; Property I & II

#### Remedies - 3 credit hours (capstone elective)

A study of the forms of legal and equitable remedies, the substantive law of restitution, and the problems of measuring damages and non-monetary forms of remedy. Various remedies are explored in both litigation and alternative dispute resolution contexts.

#### Sales (Advanced Sales and Consumer Protection) – 3 credit hours (capstone)

Sales is the study of the law of contracts for the sale of tangible, movable items. The course focuses on Articles II and IIA of the Uniform Commercial Code.

#### Secured Transactions/UCC - 3 credit hours (required course)

Secured Transactions is the study of consumer and business credit transactions in which a loan is consensually secured by an interest in personal property as governed by Article 9 of the Uniform Commercial Code (UCC). The course examines the mechanics of creating and perfecting secured obligations, the application of a secured obligation to proceeds of collateral and after-acquired property, the effect of disposition of collateral by the debtor prior to satisfaction of the obligation, repossession and other rights of the secured creditor upon default by the debtor, priority rules between multiple creditors claiming security in the same collateral, and treatment of secured claims in a bankruptcy proceeding. Consideration is also given to non-consensual liens controlled in whole or part by other statutes or by common law. Payment Systems is the study of Article 3 of the UCC governing negotiable instruments and Article 4 of the UCC governing the check-collection process and the bank-customer relationship. Consideration is also given to related state and federal laws involving credit and debit card transactions, letters of credit, and electronic funds transfers. Prerequisites: Contracts I & II

#### Social Security Disability – 2 credit hours (general elective/practicum)

Familiarizes students with the substantive law governing social security disability claims. The course also covers the practical aspects of representing a claimant through the application, review, and appeals processes.

#### Social Security Disability & Workers' Compensation – 2 credit hours (practicum)

This course will introduce students to the practical aspects of representing claimants for social security disability insurance and workers' compensation benefits. This course will include instruction in the applicable legal theory, but the focus will be on the nuts and bolts of actually practicing in this area. Topics will include client interviewing, developing medical evidence, preparing witnesses for testimony, working with vocational experts, administrative hearing and appeals processes, and more.

#### Solo Law Practice/Law Office Management – 2 credit hours (practicum)

See Law Office Management above

#### State & Local Government – 2 credit hours (seminar)

As all of you are probably aware, state and local governments play as equally an important role in our lives as does the federal government. The role of law enforcement (police, district attorneys and judges), the placement of street signs and lights, the construction, operation and maintenance of our public schools all fall primarily under the jurisdiction of our state and local governments. One of the most important ways in which we can ensure that our representatives in state and local government respond to our needs is through the election process. This course will examine how well do state and local governments perform their essential functions and what we as citizens can do to insure that our representatives carry out their responsibilities.

#### Supreme Court Survey of Energy Law Cases – 2 credit hours (Practicum)

Students will examine energy law issues through the lens of important Virginia Supreme Court cases. The course will include such topics as coal, oil and gas, utilities, and administrative appeals. Students will work in teams to analyze and argue cases before Justice Elizabeth A. McClanahan. For each case, students will receive relevant briefs, statutes, Court rules, and cited materials.

#### Sustainable Energy Law Practice - 4 credit hours (practicum)

Students explore the significant challenges facing the energy industry today, including climate change concerns, energy independence and security, traditional pollution, regulatory and litigation burdens, jobs, the price of electricity, “peak” supply, and increased energy demand. Students will gain an understanding of historical and current energy use, law and policy, both globally and nationally. The class is built around the following units: the international regime; national energy and environmental policy; coal law and policy; natural gas law and policy; transportation and oil; nuclear and renewable energy; and legislation and litigation. Students will represent nations in mock climate treaty negotiations; debate the “hot” energy issues of the day; and advise “clients” on energy-related regulations and agreements. Reading materials are compiled from source documents (treaties, regulations, laws and court decisions), government and industry studies and reports, and current commentary. There is a significant paper due at the end of the class.

#### Title Examination – 2 credit hours (practicum)

This course will provide the students with an overview of the process of examining titles and rendering legal opinions on title in the context of residential and commercial real estate sales. The course will include a hands-on title search component where students will research the title from public records, learn to identify conveyances and exceptions, and to interpret deeds. The course will cover examining the title and identifying potential problems with the title, such as mortgages, easements, inadequate legal descriptions, improperly acknowledged documents, powers of attorney, foreclosures, bankruptcies, unpaid taxes, deed restrictions and reverters.

#### Torts - 4 credit hours (required course)

Reviews the standards and principles governing legal liability for intentional and unintentional invasions of interests of personality and property, including such topics as assault, battery, negligence, and strict liability. Prerequisites: Introduction to Law

#### Trial Advocacy - 4 credit hours (practicum)

Intensive course in the analysis, skills, and techniques of trials. The course includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross-examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony, and summations. Each participant will take part in at least one full simulated trial.

#### Trial Advocacy Live Client Clinic – 1 credit hour

#### Virginia Bar Studies – 1 credit hour

Tailored instruction on essay subjects tested on the Virginia bar exam. Prerequisites: see the prerequisites for Bar Preparation Studies

#### Virginia Civil Procedure - 3 credit hours (capstone elective)

Covers the subject of procedure from the point of view of practice in the Virginia state courts, with heaviest emphasis on civil procedure. Expected topics include self-help, subject matter jurisdiction, personal jurisdiction, service of process, venue, parties, pleading, discovery, pre-trial motions, motions at trial, post-verdict motions, judgments, costs, and appeals.

#### Virginia Criminal Law and Procedure – 2 or 3 credit hours (capstone elective)

This course is a review of Virginia Statutes, Rules of Court and Virginia appellate decisions important to a basic understanding of Virginia Criminal Law and Procedure. Topics include Virginia Criminal Law and Procedure distinctions, jurisdiction, venue, preliminary hearings, grand jury, pre-trial motions, trial, sentencing and appeals.

#### Virginia Law Foundations – 2 credit hours (capstone elective)

This course is designed to cover the major substantive and procedural areas of Virginia Civil Procedure. The rules of Court as promulgated by the Supreme Court of Virginia as well as statutory rules and case law will be examined in the course.

#### Wills and Estates - 3 credit hours (required course)

A study of the devolution of property by descent and wills, including a study of intestacy, and related problems of construction. The course also covers a study of the formation and management of trusts, including the rights and responsibilities of settlors, rights and responsibilities of trustees, rights and responsibilities of beneficiaries, the doctrine of cy pres, and the concept of fiduciary duty. In addition, the course introduces the federal transfer tax system and related estate planning opportunities and techniques. Prerequisites: Property I & II

#### Wills Clinic – 1 credit hour