

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 2020 and after include completion of ninety-two 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 for all courses that is 2.3000 or higher 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 92- 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; Contracts I & II; Criminal Law; Legal Process I & II; Property I & II; Introduction to ASL Legal Studies I & II; Intentional Torts; and Negligence.

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 or Legal Writing with a Purpose I & II; Bar Preparation Studies or Virginia Civil Procedure & Practice (for VA bar takers); Bar Subject Review I & II; Constitutional Law I & II; Criminal Procedure; Evidence; MBE Fundamentals; 8 credit hours of Practicum courses; Professional Responsibility; and a Seminar. 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 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 Practicum Upper-Level Writing Skills Requirement. The purpose of this Requirement is to ensure 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 Chief Academic Officer.

Prior to graduation, a total of 92 credit hours of course work must be completed in compliance with the curricular structure established by the faculty. Please see Appendix H 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; Civil Procedure; Criminal Law; Legal Process I; Negligence, 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, in addition to taking Constitutional Law I and Legal Process II, the student will join the incoming fall class in Contracts I; Intentional Torts; Property I; and complete Introduction to ASL Legal Studies II/Externship.

The sequence in which courses are taken change from time to time and may change during a student's period of studies at ASL. Please see Appendix H 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 Chief Academic Officer is required to enroll in less than 12 credit hours in a semester. Permission to take less than a full load of courses 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 generally 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 a high school athletic team or other clubs, worked at a local nursing home and worked as child advocates in the court system.

Externship Programs & Clinics

First-Year Externships

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 techniques
- Hone courtroom presentation and evidentiary techniques

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 while working in various legal offices 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, Introduction to Externships, which must be completed prior to their field placement.

Clinics

ASL Students are encouraged to participate in clinical experiences while on campus. Clinical options on campus include the Medical-Legal Partnership Clinic, Buchanan County Legal Clinic and Volunteer Income Tax Assistance (VITA) Clinic.

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. Some topics offered during past intersessions include: Business Organizations, Contract Drafting, Doing and Undoing Environmental Regulations, Environmental Crimes and Torts, Information Privacy Law, Insurance Law, Juvenile Practice, Law Office Management, Legal History, Marijuana Law and Policy, Poverty, Health, and Law: Medical-Legal Partnerships, Procedural Fairness, , The Resurgent Role of Legal History, Sentencing, and Workers' Compensation.

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 standard per credit hour tuition rate in effect at the time of enrollment.

CRIMINAL LAW CERTIFICATE

All required courses from the list below must be taken as well as an additional 9 hours of qualifying electives. To be eligible for the certificate, students starting in 2018 and 2019 must attain a grade no lower than "Competent" and a "B" average in all courses taken to meet the Certificate requirements. Students starting in 2020 or later must attain a grade no lower than a "B" average in all courses taken to meet the Certificate requirements.

REQUIRED COURSES:

- Criminal Law
- Criminal Procedure
- Appellate Advocacy – Criminal Law Section
- Evidence
- Externship

QUALIFYING ELECTIVES:

- Advanced Criminal Procedure
- Virginia Criminal Procedure
- Criminal Trial Practice
- The Prosecution Project
- Mental Health in the Criminal Justice System
- Alternative Dispute Resolution
- Negotiations in the Criminal Justice System
- Post-Conviction Relief

The curriculum committee or the director of the certificate program, with the approval of the faculty, may add or delete qualifying elective courses.

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.

You must complete a minimum of 120 hours of third year practice in a public defender's or prosecutor's office.

If interested in obtaining the Criminal Law Certificate, please contact the Registrar's Office at 276-244-1204, or Judge Larry Elder at 276-244-1270 or lelder@asl.edu.

LITIGATION CERTIFICATE (CRIMINAL, CIVIL, OR GENERAL)

An Appalachian School of Law graduate will receive a Certificate of Litigation with a corresponding notation in the student's permanent academic record if he or she meets the following criteria:

In addition to grade requirements, students must complete all required courses from the first list and at least one elective from the second list to qualify for the Certificate.

REQUIRED COURSES:

- Civil Procedure
- Criminal Law
- Criminal Procedure
- Evidence
- Appellate Advocacy
- *Trial Advocacy
- Criminal Practice, Pretrial Practice, or Family Law Practice

ELECTIVES:

- Advanced Criminal Procedure
- E-Discovery
- Moot Court (2 credits)
- Remedies
- Sentencing
- Virginia Civil Procedure or Virginia Civil Procedure & Practice

Students entering Spring 2018-Fall 2019, must have received a grade of "CP 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. Students entering Spring 2020 and after, must have at least a cumulative 3.0 grade point average in the courses that qualify the student to receive the Certificate. Absent approval from the Academic Standard 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 or 3L courses.

If a student chooses Criminal Practice 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 (Virginia Civil Procedure & Practice) and/or Remedies as optional courses, the Litigation Certificate will reflect that concentration as a Civil Litigation Certificate.

The Certificate's Faculty Advisor, with approval from the Dean and Chief Academic Officer, retain jurisdiction over the implementation, interpretation, and requirements for this certificate program.

*Two years of participation on the Mock Trial team may be substituted for the Trial Advocacy course requirement.

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)¹, (c) earning credit through work at a clinic overseen by ASL's Natural Resources Law Center Program (1-3 hours)², or (e) earning credit through Independent Study on an approved topic (2 hours).³
 - (b) At least 9 of the 12 hours must be earned by obtaining passing grades in approved natural resources classes.⁴
 - (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.
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.

¹ Qualifying moot court teams include those that compete at the Pace National Environmental Law Competition and at the West Virginia National Energy Law Competition.

² 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.

³ 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.

⁴ Qualifying courses in the ASL academic catalog are: Sustainable Energy Law, Administrative Law, Supreme Court Survey of Energy Law Cases, Mineral Title Examination, the Law of Coalbed Methane, Environmental Law and Policy, Environmental Crimes and Torts, Doing and Undoing Environmental Regulations, Natural Resources Law & Policy, Energy & Utility Law and the SCC, Coal, Oil and Gas Law, Solar Energy Law, Environmental Law & Policy, Natural Resources: Why Lawyers and Engineers Need Each Other, and Appellate Advocacy – Natural Resources.

Course Descriptions

ASL's course descriptions are listed in alphabetical order. Courses that will satisfy the practicum and seminar requirements will be noted in parenthesis after the number of credit hours. 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 enrollment in each course is limited.

Administrative Law - 3 credit hours (general 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 Criminal Procedure – 2 credit hours (general elective)

This course is designed to cover select areas of Criminal Law & Procedure. The rules of specific Courts as well as statutory rules and case law will be examined in the course. This course will consist of students gaining an advanced understanding, knowledge, and ability to apply Criminal Law & Procedure from a substantive, procedural and practical standpoint. It is expected that this course will assist students with their preparation for the Bar Exam and particularly in practice.

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 Legal Research is recommended for law journal participants. Pre-requisite: Legal Process I & II.

Advanced Torts – 1-3 credit hours (general elective)

Tort law is a broad and rapidly-evolving area of practice for civil litigators. Advanced Torts gives students who plan to engage in civil trial practice, or who seek a more advanced understanding of the tort system, an opportunity to build upon the broad introductory principles learned in the first-year student of torts. In particular, students will conduct an in-depth study of selected hot topics, such as defamation, product liability, and professional negligence. Students will also examine some interesting United States Supreme Court decisions that have significantly impacted the operation of tort law. Pre-requisite: Torts or Intentional Torts & Negligence

Appellate Advocacy – 3 credit hours (required course)*

Appellate Advocacy is an upper-level required course which provides 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 two or three sections focusing on criminal law, natural resources law, and/or broader legal topics. Pre-requisite: Legal Process I & II

*Students have the option to complete this requirement by taking either Appellate Advocacy or Legal Writing with a Purpose I & II.

Assistantships (Research or Teaching) – 1 credit hours [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. Pre-requisite: Completion of all the required first year courses and, if a teaching assistantship, the course for which assistance will be provided.

Assisted Reproductive Technology Law – 2 credit hours (seminar)

The purpose of this course is to explain how the laws regarding Assisted Reproductive Technologies currently influence public policy and affect potential clients. The world of assisted reproductive technologies is a relative newcomer to the legal curriculum, making its perceptible entrance only within the past two decades. Yet the discipline mixing law and assisted conception seems to have established firm roots, sustained by a nearly daily dose of activity somewhere around the globe. The study of reproductive technologies has branched out from its founding in the late 1970s with the introduction of in vitro fertilization, to a field that includes such emerging topics as posthumous reproduction, embryonic stem cell research and human cloning. These topics often take center stage in our political and social world, making them ideal for dissection in the law school classroom.

By the end of the course, you should be able to understand the essentials in science, medicine, law and ethics that underpin and shape each of the topics that combine to form the law of reproductive technologies. As each new technology is introduced, you will become informed about the clinical application of these techniques, and learn how the procedures are used to treat patients facing infertility or produce advances in medical research. Once comfortable with the science, you can then contemplate the legal parameters that do or should accompany the technology. Since so much of the law in this area is either nascent or wholly unformed, students are free, and indeed encouraged, to design legal systems that meet the needs of patients, parents, children and society at large, participants all in the world of assisted reproduction.

Bar Preparation Studies – 2-3 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; Contracts I & II; Property I & II; Constitutional Law I & II; Criminal Law; Criminal Procedure; Torts; and, Evidence

Bar Subject Review I & II – 1 credit hour each (required courses)

Bar Subject Review is a focused review course designed to cover the most frequently tested subjects in several substantive areas of the law such as secured transactions and family law. Taught by several

members of the faculty, the course will use focused instruction and mock testing to prepare third-year students for the type of essay questions they will experience on the bar.

Black Lung Practice – 2 credit hours (practicum)

This course will introduce students to state and federal laws governing black lung workers' compensation claims. The course will cover practical aspects of representing a claimant through the application, review, and appeals processes. The course will examine the history of these programs, the legal and regulatory challenges, and the differences of federal and state approaches to these programs. Through this course, students will gain experience in identifying and analyzing federal and state laws, regulations, and gain a practical understanding of administrative law. Students will learn how to interpret current legislation and case law concerning past and current reforms and changes in this field.

Business Associations/Agency or Business Organizations – 4 credit hours (general elective)

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.

Civil Procedure – 4 credit hours (required course) (Before Fall 2020, this course was taught in two sections)

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.

Coal, Oil, and Gas Law – 2 credit hours (practicum)

Coal, Oil, and Gas Law is designed to familiarize students with the legal, business, and environmental issues facing the coal, oil, and gas industries. Specifically, the course will cover the nature of ownership of subsurface minerals; methods of transferring ownership; implied rights; surface rights; leasing; royalties; and environmental and regulatory issues. Students will engage in class discussion of current topics as well as participate in extensive practical skills exercises.

Conflict of Laws – 3 credit hours (general elective)

In an age where people and businesses regularly interact across borders, Conflict of Laws is an essential course for students planning to engage in civil litigation or transactional work. This course introduces students to legal issues that arise when a transaction or occurrence has a connection to two or more jurisdictions. In particular, students learn the traditional and modern approaches courts have developed to resolve conflicts between the laws of such jurisdictions, the constitutional limitations on these approaches, and the extent to which parties can choose their own courts and laws. Students also reexamine, in the context of conflict-of-law issues, certain principles first introduced in civil procedure, such as personal jurisdiction and recognition of judgments. Because conflict-of-law issues arise in nearly every area of substantive law, students study a broad range of cases, giving them an opportunity to review and build upon principles of torts, contracts, property, constitutional law, and family 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. Pre-requisites: Constitutional Law I

Constitutional Power: A Contemporary Examination – 2 credit hours (general elective)

This course is about power: how it is used, abused, controlled, and ultimately channeled for the public good.

Students will be required to think critically about the practical meaning of the U.S. Constitution in real-time 2020. There will not be a single text. Rather each class will include a variety of readings (and some podcasts), many of which will be quite current. The course will include a combination of lecture and vigorous, respectful, informed discussions. Specifically, the course will address: (1) Impeachment, (2) Executive Privilege/Contempt of Congress, (3) Limitations on Executive Power, (4) the Pandemic, (5) Protest and Policing, and (6) Crystal Ball: The 2020 Election. At the conclusion of the course, Justice Mims will devote an hour to each student, to have either a one-on-one or small group discussion (depending on the number of students), relating to what each student has found significant and how each student might use the principles learned in this class in their legal career.

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. Pre-requisites: 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 - 2 credit hours (required course)

A continuation of Contracts I. Prerequisites: Contracts I

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. Pre-requisites: 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. Pre-requisites: 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. Pre-requisites: Constitutional Law I and Constitutional Law II

Current Issues in the Law – 2 credit hours (general elective)

This course will offer discussion on a variety of relevant topics in law today, including Confederate monuments, student debt, the police and police unions, health care and COVID-19, the right to protest and Black Lives Matter, Populism and Socialism, the “social safety net,” stock market reports, “Make America Great Again,” voting, racism in the criminal justice system, and the “drug war.”

Debtor-Creditor Law - 3 credit hours (general elective)

This course will offer a comprehensive study of the legal principles governing the relationship of debtors and creditors, with primary emphasis on bankruptcy law matters. The course will also address creditor’s state law rights and remedies as well as debtor’s rights under state law. A brief introduction to secured transactions will also be presented as part of the course since it necessarily relates to the overall understanding of the debtor-creditor relationship. The objective of this class is to prepare the student to step in on day one and be a contributor to a collections or bankruptcy practice.

Dispute Resolution - 2 credit hours (practicum)

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, the 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.

Employment Law – 3 credit hours (general elective)

The goal of this class is to introduce students to the subject matters of the legal questions that frequently arise for employers regarding an employer's employment relationship with the employees of the business. The intent is to provide the student with some base knowledge to begin to discuss questions a young lawyer might receive from a VP of Human Resources of a larger business or the owner of a small business. The student will be introduced to the vocabulary of the workplace and the basic law in each of these areas.

The first quarter of the class will focus on the employee-employer employment relationship. Hiring, firing, working conditions, etc. will be discussed.

The middle half of the semester will be spent gaining a knowledge of the alphabet soup of employment laws, regulations and agencies (ADA, HIPPA, FMLA, FLSA, EEOC, OSHA, etc., etc.).

The last quarter of the class will focus on the law of employee benefit plans and executive compensation as regulated by ERISA and the IRC (health plans, pension plans, executive compensation, stock option plans, etc.).

By the end of the class the student should have a basic understanding of most employment law legal issues and have a "jumping off place" for further research in each of the areas.

Energy and Utility Law and the SCC – 1 credit (general elective)

Energy and Utility Law and the SCC explores fundamental and developing issues in utilities and their regulation. The course will explore important cases and feature guest speakers. Course grades are based on class participation and a written exam.

Entrepreneur 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.

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. Pre-requisites: Torts and Criminal Law

Environmental Law/Environmental Law and Policy - 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 – 2credit hours (practicum)

Develops student's skills relating to the disposition of property during lifetime and at death. This 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. The course develops the student's understanding of trusts, including rights and responsibilities of settlors, trustees, and beneficiaries. Pre-requisites: Wills and Estates

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.

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. Pre-requisite: Completion of 28 credit hours prior to beginning work at field placement.

Family Law – 3 credit hours (general elective)

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 Practice – 2credit 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 (general elective or seminar)

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

History of Race and the Law in America – 2 credit hours (general elective)

This course evaluates the legal regulation of race in the United States. The seminar will begin with having students understand and define racism. We will consider history, statutes, and cases dealing with American Indians, African Americans, Latinos, Asian Americans and other groups. How is “white” defined? Students will be assigned readings to present to the class and lead discussions. They will be expected to prepare written summaries of these readings and their presentations. Students will be encouraged to express all views, and be willing to have their views challenged, in a civil and dignified manner. Grade will be based on participation, presentations, and written summaries. There will be no exam.

Immigration Law & Policy – 2 credit hours (seminar)

Students will examine the history of the U.S. immigration law and policy, federal powers over immigration, federal agencies tasked with immigration issues, and basic rules governing those noncitizens who wish to enter, live, study, and/or work in the U.S. This course will also focus on specific “hot topic” immigration issues such as birthright citizenship, the DREAM Act/DACA and other avenues for unauthorized immigrants, and U.S. policy on refugees and asylum-seekers. Each student will write an original 20-25 page research paper on an immigration issue that will not be covered in class. Grades will be based on class discussion and participation as well as the research paper. The most important thing to know about this class is that it is expected that not all of us will agree on many immigration issues or policies, but it is expected that all viewpoints will be respected and class discussion will remain courteous.

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 Chief Academic Officer.

Information Privacy Law – 2 credit hours (seminar or practicum)

An exploration of some of the areas in which information privacy may be at risk: law enforcement, national security, health care, financial data, etc. In each area, the seminar examines case law, statutory regimes, and policy approaches. When taught as a seminar the course 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.

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.

Intentional Torts – 2 credit hours (required course) (Beginning Fall 2020, Torts will be taught in two sections: Intentional Torts and Negligence. Before Fall 2020, this course was taught as Torts in one, four credit hour section.)

This course is one component of the two-semester study of torts undertaken by first year law students. Torts is a broad area of law establishing responsibilities, rights, and remedies for civil wrongs not arising out of contract. The subject of Intentional Torts focuses primarily on torts committed with intent to accomplish a result or with knowledge the result will come about (in contrast to torts arising from purely accidental or careless conduct). In particular, students examine cases and explore the principles of governing intentional torts to the person (including battery, assault, false imprisonment, and intentional infliction of emotional distress), intentional torts to property (including trespass to land, conversion, and trespass to chattel), the standard defenses and privileges applicable to intentional torts.

Introduction to ASL Legal Studies I – 2 credit hours (required course)

Introduction to ASL Legal Studies is an academic excellence course and a pre-requisite to Introduction to ASL Legal Studies II and Introduction to Externships. This course is designed to teach the skills necessary to successfully participate in class, effectively manage time, prepare course materials, and practice for exams.

Student 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, analyzing and writing effectively for law school exams, how to answer multiple choice questions, and other exam-taking strategies.

Introduction to ASL Legal Studies II and Externships – 2 credits (required course)

Introduction to ASL Legal Studies II is structured in a way that builds upon the skills learned in Introduction to ASL Legal Studies I. This academic excellence course teaches 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, analyzing and writing effectively for law school exams, how to answer multiple choice questions and other exam-taking strategies.

Introduction to Externships is a pre-requisite for participation in ASL's Externship Field Placement and is paired with Introduction to ASL Legal Studies II. The course is intended to prepare students for the work they will do in the summer following completion of the first-year curriculum. Initially, the focus is on the applications for externship placement. Students will also focus on proper interview etiquette. The students will have opportunities to hear from guest speakers and panels, including alumni and students. The course also has an introduction to professional responsibility as a law student through which students will learn about common ethical issues faced by Externship students. Other topics covered in the course include:

social media, networking, memorandum drafting, legal research, various types of externship opportunities, and career-focused experiential learning.

Introduction to Community Service – not for credit (required course)

This course is designed for incoming students attending the Appalachian School of Law. Sessions will be delivered primarily through lectures, class discussions, guest speakers, and peer-to-peer sessions. Students may use this class as an opportunity to broaden their network of contacts and facilitate community service project placement and opportunities. Students earn the required community service credit for the fall semester, 25 hours, upon successful completion of this introductory course. Therefore, attendance is mandatory for all weekly sessions.

Judicial Clerkship Preparation – 2 credit hours (practicum)

The purpose of the course is to prepare students for judicial clerkships, both trial and appellate positions. However, emphasis will be placed on appellate positions. Basic information will be reviewed such as preservation of issues and standards of review. We will discuss the unique nature of judicial clerking. Ethics, confidentiality, professionalism and decorum required of judicial clerks will be reviewed.

Students will be expected to observe and critique actual appellate arguments after having reviewed the briefs filed in those cases. In addition, students will review the appendix, briefs filed and oral argument in at least one pending case and prepare a bench brief and a draft opinion. During each phase of the drafting the student will receive input from professor and teaching assistant. It is expected that the timing of these assignments will require that the final student opinion be submitted prior to the release of the Court's opinion, thus giving the student a real world comparison.

Juvenile Practice – 2 credit hours (practicum)

This specialized course in Virginia Family Law procedure concentrates on actual practice in the Juvenile and Domestic Relations Course of Commonwealth of Virginia and is taught by a judge who has presided in such courts for 13 years. The aim of the course will be to equip the JDR practitioner with the particular procedural aspects of jurisdiction, venue, parties, and appeals in cases involving Juvenile Delinquency and adult criminal cases that fall within the purview of the JDR Court's authority. Foster Care and DSS cases involving Abuse and Neglect, Protective Orders, paternity petitions as well as custody and child/spousal support cases. The aim of the course is to develop familiarity with practice and to offer real-world practical instruction in the procedures of this court. Family Law is not a prerequisite as the substantive law involved is secondary to the practice and procedure taught. This course will not duplicate the Family Law course but rather focus on other distinct issues in the JDR Courts of Virginia. Taught by lecture, guest speakers, discussion, and practical exercises.

Law & Modern Literature – 1 credit hour (general elective)

This discussion-based course examines issues involving law, justice, lawyers, and the legal system through the lens of modern literature. Students will read a selection of contemporary novels and/or non-fiction books with legal themes and meet bi-weekly to discuss issues rising in books such as the role of law in society, social justice, racial equality, gender equality, substance abuse and mental issues for legal practitioners, and ethical questions surrounding the practice of law.

Law Journal – 2 credit hours

Students who successfully serve on Appalachian School of Law Journal of Law for the entire period they are eligible to do so, who are elected and serve as a member of the Board of the Journal, and who produce a note which the Board of the Journal and the Journal's Faculty Advisor deem publishable, may substitute such service for the Seminar Requirement or a two-credit upper level elective course, at the student's choice. In such cases, the student shall be awarded two semester credit hours for "Law Journal" at the end

of the student's final semester. Successful completion of service on the Journal will be determined by the Journal's Faculty Advisor. Student may receive a total of two (2) credits for Law Journal, regardless of the number of notes the student prepares.

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 - 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. Pre-requisites: Legal Process I

Legal Writing with a Purpose I & II – 1 credit hour each (required courses)*

This full-year writing program, one-hour each semester, is broken down into seven, four-class units, with each unit being substantively taught by a different ASL professor. Each unit will be built around a particular legal issue within a subject heavily tested on the Bar Exam (for example, Torts or Civil Procedure). There will be three writing assignments and a timed essay quiz within each of the four-week units. The three writing assignments are designed to mirror those that a new attorney may be asked to undertake in practice, and the essay quiz is designed to mimic Bar Examination testing. Each unit will be counted equally towards a student's grade.

*Students have the option to complete this requirement by taking either Legal Writing with a Purpose I & II or Appellate Advocacy.

Marijuana Law and Policy – 2 credit hours (general elective)

Marijuana (cannabis) is one of the most popular drugs in the country. It is also one of the most highly regulated. Until recently, such regulation was virtually synonymous with prohibition. But over the past two decades, a growing number of states have experimented with new approaches to regulating the drug,

treating it more like other legal medicines or alcohol than heroin or methamphetamines. These experiments have created a new body of law governing a host of marijuana-related behaviors, from simply possessing the drug to employing those who use it, along with a host of intriguing questions regarding who has authority to regulate the drug.

This course will analyze the competing approaches to regulating marijuana, the rationales behind these approaches, and where legal authority resides for choosing among them. What are the elements of a marijuana trafficking offense? May a state legalize a drug the federal government forbids? Who is allowed to use and traffic marijuana under state law? How do states prevent diversion of marijuana into forbidden markets? Are contracts with marijuana dealers enforceable? May employers fire employees who use marijuana for medical purposes? These are just some of the questions the course will address.

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 Examination – 1-2 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.

MLP Clinic – 2 credit hours (practicum) (Previously Competitive Summer Internship Placement which was part of the Second-Year Externship Program)

This course offers students practical experience working with real clients. Students receive guided learning on topics relevant to our Medical-Legal Partnership Clinic, including: law office management, case management software, client interviewing, HIPAA and other privacy issues, divorce, custody, and protective orders, Medical applications, foreclosures and eviction prevention, guardianships and conservatorships, consumer credit issues, SSI and SSDI, along with other topics relevant to the low-income patient/clients served by the MLP. Student also have the opportunity to represent low-income patient/clients while certified for supervised practice in Tennessee and/or Virginia. Under limited practice certification, students work with ASL professors and legal aid attorneys to address the unmet legal needs of low-income patients of Ballad Health.

Moot Court – 1-2 credit hours

Students who are selected by the Moot Court Program's Faculty Advisor(s) to participate in an interscholastic moot court competition, who do in fact participate in the competition, and who contribute substantially to drafting the competition brief may substitute such service for a one-credit

upper-level elective course. In such cases, the student shall be awarded one semester credit hour for "Moot Court" at the end of the student's final semester. Students seeking academic credit for moot court participation are expected to contribute to the Appalachian School of Law's Moot Court Board and its activities.

Students may earn a maximum of two credits for participation in moot court, regardless of the number of competitions in which they participate.

Students who earn credit for participating in two interscholastic moot court competitions, along with the associated brief drafting, 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 each of the student's briefs. 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.

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.

Multistate Bar Examination (MBE) Fundamentals – 2 credit hours (required course)

This course provides students with a comprehensive review of the eight subjects featured on the Multistate Bar Exam: criminal law, criminal procedure, torts, civil procedure, property, contracts, evidence, and constitutional law. By working on MBE questions under exam conditions, and dissecting said questions, students will develop strategies to efficiently work through a high volume of MBE questions in a limited amount of time.

Natural Resources: Why Lawyers and Engineers Need Each Other – 3 credit hours (practicum)

The class will explore both the legal and engineering components of projects, programs, and permits involving our natural resources. Each class will discuss a distinct project or program. For instance, the attorney applying for a SMCRA permit for a new mining project will need an engineer to create a reclamation plan upon mine closure. The engineer designing a pipeline crossing under a scenic trail will need a lawyer to explain what standards the design must meet under the National Trails System Act. Designing underground mines to comply with MSHA, soil erosion plans to comply with NEP, and coal ash impounds to comply with the Clean Water Act and local zoning laws are among the many other instances where lawyers and engineers need to work collaboratively. The bulk of the materials will be delivered through synchronous live video connecting ASL and Virginia Tech; the first two weeks will include asynchronous on-line professor recordings and assignments, and the last three weeks will be reserved for student presentations.

Natural Resources Law/Natural Resources Law & Policy – 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.

Negligence – 3 credit hours (required course) (Beginning Fall 2020, Torts will be taught in two sections: Intentional Torts and Negligence. Before Fall 2020, this course was taught as Torts in one, four credit hour section.)

This course is one component of the two-semester study of torts undertaken by first-year law students. Torts is a broad area of law establishing responsibilities, rights, and remedies for civil wrongs not arising out of contract. Negligence, the largest segment of modern tort law, focuses primarily on torts that are committed by accident or carelessness (in contrast to torts committed with intent to accomplish a result). In this course, students examine cases and explore the principles governing basic elements of a negligence case, qualified and special duty doctrines, defenses and immunities, damages and apportionment of liability, and other associated topics, such as liability without fault.

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.

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.

Poverty, Health, and Law: Medical-Legal Partnerships – 2-3 credits (general elective)

This class will be an introduction to the concept of a Medical-Legal Partnership (MLP). The course will survey topics related to MLPs. It is expected that students will also gain practical knowledge about the types of issues intended to be addressed by an MLP. Broad topics to be covered include:

- Making the connection between poverty, health and the law;
- Social determinants of health;
- Collaboration with healthcare providers and how the professions can help one another;
- Addressing the social determinant of health through legal advocacy;
- MLPs for special populations (e.g., cancer patients, immigrants, HIV/AIDS patients, elderly populations, adolescents); and
- Improving health through MLPs.

Subsets of these major topics will include an overview of public and private insurance markets, ethical issues in the MLP context, housing concerns with patients needing MLP services, inter-disciplinary training and learning opportunities between medical and legal professionals, and strategies for policy change.

In addition, it is anticipated that the course will include some practical aspects. Students will have exposure to examples of patient medical records, and MLP patient/client intake forms. Students will hear directly from policy makers and healthcare workers who will participate in the lectures.

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.

Procedural Fairness – 2 credit hours (general elective)

This presentation will focus on the concept of procedural fairness, a research-based idea about building trust between justice system actors, clients, and other members of the public, and the costs of low levels of trust across the criminal justice system. The course will consider three main perspectives; litigant, public, and student perspectives. Course materials will cover a national and local scope. The objective of this class is to prepare the law student to step in on day one as a new lawyer and work to build trust and enhance fairness within their professional practice.

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 - 2 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

Prosecution Project – 2 credits (general elective)

The Prosecution Project is a unique collaboration between law students and professional prosecutors. The Project has two aims. First, through readings and discussions with experienced prosecutors, judges, police, defense attorneys and others, students will be introduced to the professional roles of prosecutors, to their ethical responsibilities, and to the challenges faced by modern prosecutors in seeking to do justice in a rapidly changing environment. Second, through their research and analysis, students will assist the regional prosecutors in their efforts to study and address issues of importance to prosecutors and the public.

Real Estate Transactions – 2 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. Pre-requisites: Contracts I & II; Property I & II

Regulation of Energy Utilities – 2 credit hours (general elective)

Electric and natural gas service to consumers is provided under a complex set of laws and regulations at the state and federal levels. This course will examine the legal underpinnings of utility regulation at the state and federal levels. The course will provide an introduction to ratemaking; certificates of public convenience and necessity; renewable portfolio standards; integrated resource planning; wholesale

electric markets; natural gas pipelines; and liquefied natural gas export facilities. Grading will be based on class participation and a paper or end of semester exam.

Remedies - 3 credit hours (general 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.

The Resurgent Role of Legal History – 2 credit hours

The Resurgent Role of Legal History examines the increasingly prominent role legal history plays in modern judicial decision-making. Focusing on recent judicial opinions that appear to be decided primarily based on historical reasoning, the course critically examines the cited historical sources and considers academic praise and skepticism of the judicial invocation of legal history – all toward the goal of equipping students to confidently incorporate historical argument into their legal thinking as well as their future advocacy.

Secured Transactions/UCC - 4 credit hours (general elective)

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. Pre-requisites: Contracts I & II

Securities Law – 2 credit hours (general elective)

This class will focus on the “life cycle” of a business’s need for capital. We will discuss initial formation of a company and how a startup (mom and pop, friends and family or private placement) can legally raise capital. We will also study mezzanine financing and how public offerings work. Part of our study will include equity based compensation programs that are designed to retain employees and reward initial “sweat equity” employees.

Sentencing – 2 credit hours (practicum)

This course will address the theories behind sentencing, as well as the practicalities of sentencing. The course will discuss sentencing guidelines and mandatory minimums, parole and “defined sentencing,” and juvenile sentencing issues. In addition, post-sentencing issues such as revocation of parole or probation and civil commitments will be addressed. The course is intended to teach students about the theories and issues involved in sentencing and about the practical information that attorneys need to consider on both the prosecution and defense sides of criminal law.

Solar Energy Law – 2 credit hours (seminar)

This seminar-styled class covers the major legal and policy issues affecting the development and deployment of solar energy. The class will meet for 14 weeks. The first ten weeks will be lecture classes; the last four class times are reserved for student presentations.

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.

State & Local Government – 2 credit hours (general elective)

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 state and local governments perform their essential functions and what we as citizens can do to insure that our representatives carry out their responsibilities.

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.

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.

Virginia Civil Procedure and Practice – 4 credit hours (required course for VA bar takers) (Before Spring 2020, this course was taught as Virginia Civil Procedure for 3 credit hours.)

In this course, students undertake a comprehensive and in-depth study of civil procedure and practice in Virginia state courts, as governed by statutory provisions of the Code of Virginia, Rules of Court promulgated by the Supreme Court of Virginia, and Virginia case law. In addition, students regularly work on practice essays containing issues of Virginia Civil Procedure frequently tested on the essay portion of the Virginia Bar Exam. This course is essential for students planning to practice law in Virginia and also satisfies the spring Bar Preparation Studies course requirement for students taking the Virginia Bar Exam.

Virginia Criminal Law and Procedure – 2 credit hours (general 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 Drafting – 2 credit hours (practicum)

The VA Drafting course will allow students to create their own personal file of various VA pleadings, motions, etc. The course will consist of pleadings, motions, etc. of Circuit Court, General District Court, and Juvenile and Domestic Relations Court. The subject matter of the specific pleadings, motions, etc. will concentrate in the areas of Criminal Law, Criminal Procedure, Property, Estates, Equitable Distribution, Medical Malpractice, Personal Injury, Wrongful Death, Domestic Relations, and standard orders (e.g. Continuances or Objection(s) to Order.

For each subject matter stated above the class will prepare pleadings, motions, and orders based on facts provided by the Professor. Further, the students will also have to prepare for either class discussion and/or mock hearings based on said pleadings, motions, and orders. A typical class setting will consist of either review of assignment through lecture or class discussion or through argument on a motion or other pleading.

Virginia Law Foundations – 2 credit hours (general 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 – 2 credit hours (general elective)

A study of the devolution of property by descent and wills, including a study of intestacy, and related problems of construction. The course also introduces the student to concepts involving the formation and management of trusts. This course is a pre-requisite to Estate Planning Practicum course. Pre-requisites: Property I & II

Workers' Compensation – 2 credit hours (practicum)

This course will introduce students to the practical aspects of representing claimants for 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 the area. Topics will include client interviewing, developing medical evidence, preparing witnesses for testimony, working with vocational experts, administrative hearing and appeals processes, and more.