

# Spring 2013 Course List and Information

## **First-Year Courses**

### **CONSTITUTIONAL LAW I 507 (3 hours)**

The first semester of a coordinated two-semester coverage of intergovernmental relations in the federal system, powers of Congress, and the limitations imposed upon the powers of both federal and state governments for the protection of individual rights.

### **CONTRACTS 501 (3 hours)**

The law of enforceable promises, including contract formation, interpretation, conditions, breach, performance and remedies, as well as promissory estoppel and restitution.

### **CRIMINAL LAW 568 (3 hours)**

The sources of criminal law, analysis of criminal intent, conditions of criminal responsibility and particular crimes and procedure in criminal actions.

### **LEGAL RESEARCH AND WRITING I 515 (3 hours)**

Continued study and practice of refined and expanded legal research and writing skills, applying them to more complex legal problems, primarily using federal law materials and focusing on persuasive legal writing.

### **TORTS 502 (3 hours)**

Civil liability for harm to persons, property, and other interests, including negligence, intentional torts, and strict liability actions and related doctrine of causation, damages, privileges, and defenses.

## **Second- and Third-Year Courses**

### **ADMINISTRATIVE LAW 605 (3 hours)**

Powers and procedures of administrative agencies and reviewing courts at the federal and state levels, including federal and state administrative procedures acts.

### **ADVANCED LEGAL RESEARCH 720 (2 hours - Skills)**

Legal and non-legal research strategies and resources (including materials in electronic and print formats) for specialized topics, such as federal and state statutory, case and administrative law, municipal law, legislative history, foreign and international law.

### **ADVANCED LEGAL WRITING 712 (3 hours - Writing)**

A lecture/lab course to expand skills acquired in first-year legal research and writing courses.

Enrollment in this class requires the instructor's approval.

### **APPELLATE JUDICIAL EXTERNSHIP PROGRAM 733 (12 hours - Skills)**

Place third-year law students for a semester in a state appellate court department. Prerequisite: Evidence 600 and permission of director. (Z credit).

For additional information see: [Appellate Judicial Externship](#)

### **BANKRUPTCY REORGANIZATION SEMINAR 622 (3 hours)**

Examination of the legal, practical, and theoretical aspects of reorganizing the financial affairs of business entities and individuals under Chapters 11, 12, and 13 of the Bankruptcy Code. Prerequisite: Bankruptcy 558.

**BIOETHICS 665 (3 hours - Writing)**

A three-hour course that covers a broad range of bioethics issues, including stem cell research, fetal tissue research, genetic testing, genetic engineering, human experimentation, the right-to-die, the right to demand medical treatment, physician-assisted suicide, reproductive rights, surrogate reproduction, medical informed consent, feminism issues regarding medical treatments, racism involving medical treatments, and other standard bioethics issues relating to patients' due process, liberty, interest, and right of privacy.

**BUSINESS REGULATION EXTERNSHIP 725 (12 hours - Skills)**

Combines clinical experience with training in legal research and writing by placing students in state offices responsible for regulation of corporations, insurance, securities, and banking. Prerequisites: Corporations 601 and at least one of Securities Regulation 650, Banking Law 607, or Insurance 559. (Z credit).

For additional information see: [Business Regulation Externship](#)

**CHILDREN IN THE LEGAL SYSTEM 646 (3 hours)**

Study of the law as it relates to minors in the public and private sectors.

**CIVIL CLINIC I 690 (3-5 hours - Skills)**

Civil Clinic is an in-house clinical program with a general classroom component and separate clinical units. Students may enroll only once unless they receive special permission from the clinical director.

The Civil Legal Clinic offers five separate clinical sections in the Spring 2013. Clinic students work in groups on cases or projects within their separate section, under the direct supervision of their clinical supervisor. The Clinic sections include:

**§1 - Child Advocacy Clinic (5 hours).** Students are appointed by the Court to investigate allegations of neglect and abuse and to make written recommendations to the Court regarding the best interests of the child. Students in the Child Advocacy Clinic conduct in-depth investigations by performing home visits, reviewing medical and school records, and interviewing fact witnesses. This section is offered for 5 hours of graded credit and is supervised by attorney David Calder.

**§2 - Street Law Clinic (3 hours).** Students conduct client interviews at the Oxford Food Pantry storeroom, where they gain invaluable experience in interviewing and counseling clients of the Food Pantry regarding public benefits, housing, family law, consumer law, property, wills and other civil issues. This section is offered for 3 hours of graded credit and is supervised by Minnie Howard, Managing Attorney at North Mississippi Rural Legal Services.

**§3 - Elder Law Clinic (4 hours).** Students write wills, prepare health care directives and Powers of Attorney, advise clients on nursing home and Medicaid regulations, and provide advice at meal centers and nursing homes. This section is supervised by Catherine V. Kilgore, Director of the Elder Law Project at North Mississippi Rural Legal Services.

**§4 - Transactional Clinic (3 hours):** Students offer services to low-income entrepreneurs and non-profit organizations to foster economic development, increase access to capital, promote job growth, and enable sustainable home ownership, particularly in the Mississippi Delta. The types of work involved in the clinic may include: entity formation and choice of entity counseling, contract negotiation and preparation, corporate and commercial financing, shareholder agreements, business acquisitions and sales, commercial leasing, licensing, permitting, and zoning advice, trademark and copyright advice, registration and intellectual property licensing, corporate governance and compliance, tax exempt applications and various other kinds of business-related transactional legal work. The clinic is supervised by Cameron Abel, an attorney at the Tollison Law Firm in Oxford, MS.

**§5 - Low-Income Housing Clinic (5 hours).** Students bring and defend cases, negotiate, and give advice in order to assist individuals and families facing conflicts with their landlord, eviction, foreclosure, or housing discrimination. Students take responsibility for the management of their own cases, meet with clients, interview witnesses, draft motions and pleadings, and appear in court. This section is offered for 5 hours of graded credit and is supervised by Clinic Director Desiree Hensley and attorney Marie Cope.

**§6 - Advanced Clinic (3-5 hours).**

For additional information see: [Civil Legal Clinic](#)

**CIVIL CLINIC III 692 - Mississippi Innocence Project (4 hours - Skills)**

Civil Clinic is an in-house clinical program with a general classroom component and separate clinical units. Students may enroll only once unless they receive special permission from the clinical director.

For additional information see: [Mississippi Innocence Project](#)

**CIVIL PROCEDURE II 577 (3 hours)**

The rules of pleading, procedure, and practice in the federal courts. Prerequisite: Civil Procedure I 503.

**CONFLICT OF LAWS 608 (3 hours)**

Enforcement of foreign country and foreign state judgments and problems arising in cases where the conflicting rules of different jurisdictions may apply.

**CONSTITUTIONAL LAW II 508 (3 hours)**

The second semester of a coordinated two-semester coverage of intergovernmental relations in the federal system, powers of Congress and the limitations imposed upon the powers of both federal and state governments for the protection of individual rights.

**COPYRIGHT LAW 657 (3 hours)**

Survey of copyright law, including copyrightable subject matter, the requirements for protection, the bundle of rights encompassed by copyright, infringement, defenses (such as fair use and the First Amendment), pre-emption issues, and some aspects of foreign protection. Resale royalties, moral rights, the right of publicity, and other related doctrines also will be discussed. Prerequisite: Intellectual Property 580.

**CORPORATE FINANCE LAW 606 (3 hours)**

The law governing corporate finance and acquisitions, including enterprise valuation, capital structure, dividend policy, mergers, takeovers, and takeover defenses. Prerequisite: Corporations 601.

**CORPORATIONS 601 (4 hours)**

A survey of the law of business associations, focusing on corporations and their formation, structure, finance and governance; close corporation problems; regulation of corporate disclosures and proxy solicitations under federal securities law; securities fraud and insider trading.

**CRIMINAL APPEALS CLINIC 697 (4 hours – Skills or Writing)**

A clinical program in which third-year students will directly participate in pro bono representation of indigents, through litigation of criminal appeals before the Mississippi Supreme Court, under the supervision of the clinic director.

For additional information see: [Criminal Appeals Clinic](#)

**CRIMINAL PROCEDURE I: INVESTIGATION 635 (3 hours)**

A study of constitutional restrictions on criminal investigative practice, which typically precede institution of formal judicial proceedings, with special emphasis upon search and seizure, interrogation, right to counsel at the pretrial stage, and operation of the exclusionary rule.

**CRIMINAL PROCEDURE II: ADJUDICATION 714 (3 hours)**

A study of issues surrounding state and federal criminal litigation beginning with the decision to commence formal judicial proceedings.

**CRIMINAL TRIAL PRACTICE 686 (3 hours - Skills)**

State and federal practice and procedure in criminal cases involving written and oral exercises, including mock trial, the use of discovery procedures, pretrial proceedings, motions, and other aspects of criminal trial practice. Prerequisites: Evidence 600, Criminal Procedure I 635 or Criminal Procedure II 714 desirable. (Z credit).

**ENERGY LAW 746 (3 hours)**

The study of electricity regulation and electricity rate-making. The course will also examine regulation of the energy sources, including coal, natural gas, and renewables.

**ENVIRONMENTAL AND TOXIC TORTS (3 hours)**

A study of common law tort theories addressing harms to persons, property, or the environment by environmental contamination or exposures, and preemption by existing environmental statutes.

**ESTATE PLANNING 682 (3 hours - Writing)**

Planning lifetime and testamentary dispositions of property; postmortem planning; analysis of small and large estates.

**EVIDENCE 600 (4 hours)**

The function of the court and jury; the competency, privilege and examination of witnesses; the exclusionary rules of evidence and exceptions.

**FAMILY LAW 560 (3 hours)**

The validity and requisites of marriage; the grounds for annulment and divorce; and the rights and duties arising out of the relation of husband and wife, parent and child, guardian and ward.

**FEDERAL HABEAS CORPUS LAW 716 (2 hours)**

This is a seminar overview of the federal habeas corpus writ, both historically and after the enactment of the Anti-Terrorism and Effective Death Penalty Act of 1996.

**FEDERAL INDIAN LAW 730 (2hours - Writing)**

A survey of federal, state, and tribal law with an emphasis on jurisdictional issues.

Enrollment in this class requires the instructor's approval.

**FEDERAL TRIAL PRACTICE 678 (3 hours - Skills)**

Use of federal discovery procedures, pretrial proceedings, and motions. Trial of mock cases, civil and criminal, under federal rules. Pre- or corequisites: Evidence 600. (Z credit).

**GAMING LAW 661 (3 hours - Writing)**

This course will focus on laws that regulate, prohibit, or permit gambling in various forms.

**INCOME TAXATION OF CORPORATIONS AND SHAREHOLDERS 633 (3 hours)**

Tax considerations in corporate formations, distributions, redemptions, liquidations, and reorganizations. Prerequisite: Income Taxation of Individuals 613. (Same as ACCY 633).

**INCOME TAXATION OF INDIVIDUALS 613 (3 hours)**

Introductory income tax concepts, including gross income; deductions; identification of taxpayers; problems incident to the sale, exchange and other disposition of property; recognition; and characterization concepts.

**INDIVIDUAL STUDY I 615 (1-3 hours)**

Research and writing on an assigned topic under supervision of a faculty member, or participation on moot court or mock trial teams at regional or national competitions under supervision of a faculty member. (Z credit).

For additional information see: [Individual Study Application and Policy](#)

**INDIVIDUAL STUDY II 715 (1-3 hours)**

Legal research and analysis on a particular topic assigned by the faculty, and the preparation of a written article. Prerequisite: permission of the supervising faculty member and the Curriculum Committee of the law faculty. Note: Student must apply 6 weeks prior to the semester start date.

For additional information see: [Individual Study Application and Policy](#)

**INSURANCE 559 (3 hours)**

The nature, form, interpretation, and application of the various kinds of insurance contracts.

**INTERNATIONAL TRADE 575 (3 hours)**

Legal problems encountered in commerce across national lines; emphasis on problems of U.S. firms and individuals transacting business in foreign countries or with foreign associates and customers.

**JOURNAL OF SPACE LAW 583 (1-4 hours)**

The Journal of Space Law is an academic review of national and international scope, focusing on the many aspects of space, remote sensing, and aerospace law. Research, writing, and editing assignments, and other duties necessary to the operation of the Journal of Space Law. One hour credited for each term of participation to maximum of 4 hours. Limitation: credit not available if enrolled in the Mississippi Law Journal 610 or Moot Court Board 666. (Z credit).

**LAW JOURNAL 610 (1-5 hours)**

Research, writing, and editing assignments and other duties necessary to the operation of the *Mississippi Law Journal*. One hour credited for each term of participation to maximum of 4 hours, except editor-in-chief only may earn one additional (fifth) hour for service in summer term. Limitation: credit not available if enrolled in *Journal of Space Law* 583 or Moot Court Board 666. (Z credit).

**LAWYERING SKILLS WORKSHOP 551 (3 hours - Skills)**

A simulation-based practice course, including exercises in interviewing and counseling, fact investigation, case assessment, negotiation, motion practice, trial practice, and ethics.

**LEGAL PROFESSION 603 (3 hours)**

Historical background of the legal profession, its proper functions in society, and ethical conduct in the practice of law.

**MISSISSIPPI CIVIL PRACTICE 579 (3 hours)**

Civil practice and procedure in the courts of Mississippi.

**MOOT COURT BOARD 666 (1-4 hour)**

Administration and supervision of the moot court system. Limitation: credit not available for students enrolled in *Mississippi Law Journal* 610 or *Journal of Space Law* 583. (Z credit).

**PRETRIAL PRACTICE 544 (3 hours - Skills)**

Instruction and practice in the legal skills needed for pretrial practice in federal and state courts, including pretrial planning, investigation, pleading, discovery, motions, and settlement.

**PRO BONO SERVICE 713 (1 hour)**

Credit for 50 or more hours of pro bono work, such as working for approved pro bono organization or project. (Z credit).

**PROSECUTORIAL EXTERNSHIP 654 (3-6 hours - Skills)**

Places students with federal, state, and local prosecutor offices as externs. Pre- or corequisites: The Prosecution Function 685. (Z credit).

For additional information see: [Prosecution Externship Program](#)

**PUBLIC SERVICE INTERNSHIP 636 (3-6 hours - Skills)**

Work as legal assistants with prosecutors, defenders, judges, or attorneys in public service agencies with established internship programs. Prerequisites: Evidence 600. (Z credit).

For additional information see: [Public Service Internship](#)

**SECURED TRANSACTIONS 571 (3 hours)**

Theoretical and practical justifications for the creation of security interests in personal property. Emphasis is on Articles 1, 2A and 9 of the Uniform Commercial Code and bankruptcy law.

**SELECTED LEGAL TOPICS I 698 – Depositions and Negotiations (3 hours - Skills)**

**SELECTED LEGAL TOPICS II 701 – §1: Mutual and Hedge Fund Regulations (3 hours)**

Mutual funds and hedge funds invest trillions of dollars of assets on behalf of tens of millions of retail and institutional investors. The clients in this practice area are typically investment advisers, banks, broker-dealers, insurance companies, private equity firms, institutional and retail investors and the funds themselves. This course will cover corporate, securities, fiduciary and financial institution laws and regulations that apply to mutual funds and hedge funds. It will briefly introduce the regulation of securities offerings under the Securities Act of 1933, and review legal corporate, investment, and distribution issues for mutual funds and hedge funds.

Prerequisite: Corporations

**SELECTED LEGAL TOPICS II 701 – §2: Healthcare Law III: Fraud and Abuse (3 hours)**

This Course is a seminar focused on the fraud and abuse laws that have been set in place to govern the interactions between all healthcare providers and the federal payors – Medicare and Medicaid. These laws are detailed and complicated, and impact the activities of healthcare providers in myriad ways on a daily basis – from recruiting and contracting with physicians, to leasing space, to purchasing equipment, to actual treatment of patients and billing of claims for reimbursement to Medicare and Medicaid. Every healthcare lawyer must, in short order, gain intimate familiarity with these laws, their exceptions and safe harbors, and the various implementing Government regulations and pronouncements. This Course will give students with an interest in a healthcare practice the foundational knowledge they will need to begin representing healthcare providers as clients. It will, more importantly, provide them with a base of knowledge that will make them an immediate asset to firms looking for associates to assist in this ever growing area of the law.

**SELECTED LEGAL TOPICS III 703 – §1: Emerging Issues in Intellectual Property Law (2 hours - Writing)**

With the continued emergence of global economies and digital technologies, the area of intellectual property has received much attention in the last 20 years. In this class we will explore recent challenges to intellectual property and the legal reactions to those challenges from P2P file sharing to the Digital Millennium Copyright Act and the America Invents Act (which goes into effect during the class). The format of the class will include lectures, discussions, student presentations, and student papers.

**SELECTED LEGAL TOPICS III 703 – §2: Essay Exam- Writing (2 hours - Writing)**

This class is geared to all students who want to polish their fundamental writing skills and analytical abilities to be better prepared for the essay portion of the bar examination. (These skills are useful for law school examinations, too.)

Students in this class will develop their abilities to write concisely and effectively. Organization—large scale and small scale—will be studied. So will grammar and punctuation. Students will also review issue spotting and the analytical framework for legal questions.

In the second half of the semester, students will apply these skills in the context of drafting essay answers to several bar-exam style questions.

Enrollment in this class requires the instructor's approval.

**SELECTED LEGAL TOPICS IV 704 – §1: Employment Law Seminar (2 hours - Writing)**

This seminar will focus on specific issues in employment law, such as unlawful harassment, affirmative action, religious discrimination, and the Family and Medical Leave Act. This seminar does not provide a comprehensive review of employment discrimination law, but instead, it will explore in depth specific issues such as those listed above.

**SELECTED LEGAL TOPICS IV 704 – §2: Sentencing Theory (3 hours - Writing)**

Why do we punish criminal offenders? And how much punishment do offenders deserve? This seminar starts with these fundamental questions and explores the theoretical underpinnings of sentencing criminal offenders. Topics include: the purposes and philosophies of sentencing, mandatory sentencing, structuring judicial discretion (guidelines), the role of previous convictions at sentencing, sentencing young offenders, aggravating and mitigating factors, and constitutional limitations (sixth and eighth amendment) on sentencing. Students will write a research paper exploring an aspect of one of these topics. Class satisfies upper level writing requirement and counts toward criminal law certificate.

**SELECTED LEGAL TOPICS V 705 – Non- Profit Law and Policy (2 hours - Writing)**

This course will explore an Overview of the Nonprofit Sector, the Organization and Operation of Nonprofit Organizations including the Formation, Dissolution and Restructuring, Operation and Governance and Regulation of Solicitation, the Taxation of Charitable Organizations, a review of Mutual Benefit and Private Membership Organizations and other Legal Issues Affecting Nonprofit Organizations.

**SELECTED LEGAL TOPICS VI 706 – Lawyering in the Digital Age (2 hours - Writing)**

This seminar will explore the numerous ways in which law practice is changing in the 21st century with particular emphasis on the professional responsibility issues raised by these changes. Topics will include: outsourcing, virtual law practice, the use of technology in marketing (e.g. Groupon and Twitter), the use of technology in investigations (e.g. Facebook), electronic discovery, and the use of technology to improve access to justice.

Prerequisite: Law 603 – Legal Profession.

**SELECTED LEGAL TOPICS VII 707 – §1: Solo Practice (3 hour - Skills)****SELECTED LEGAL TOPICS VII 707 – §2: Legal Scholarship Research (1 hour)**

Legal Scholarship Research is intended to serve as a companion course to upper-level courses with a significant writing component. The course will survey the resources and techniques used to conduct scholarly research, both online and in print. In-class, hands-on work will be designed to help each student conduct the research needed for his or her particular project. For more information, please contact Professor Gilliland at [gillilan@olemiss.edu](mailto:gillilan@olemiss.edu) or 662/915-6836.

Enrollment in this class requires the instructor's approval.

**SPORTS LAW 647 (3 hours)**

This course examines legal issues impacting amateur and professional sports. Includes analysis of sports cases and materials that cover multiple disciplines, including contracts, torts, constitutional law, antitrust, labor and employment, intellectual property and criminal law.

**SUPREME COURT PRACTICE 582 (3 hours - Writing)**

Practice and procedure before the U.S. Supreme Court, including appeals, certiorari, and motions.

**TAX PROBLEMS 623 (3 hours - Skills)**

Advanced tax problems. Prerequisite: Income Taxation of Individuals 613. (Same as ACCY 623).

**THE PROSECUTION FUNCTION 685 (3 hours - Writing)**

Examines the role and duties of the American prosecutor from a historical, theoretical, and practical aspect.

Enrollment in this class requires the instructor's approval.

**U.S. NATIONAL SPACE LAW 679 (3 hours - Writing)**

This course covers the most developed body of domestic space law in the world: that of the United States. It addresses the nation's civil and military programs and offers a wide variety of commercial activities: launches, remote sensing, and satellite communications, among others.

**WILLS AND ESTATES 516 (3 hours)**

The execution, revocation, construction, and probate of wills and the administration of trusts and estates.