2008

GUIDE TO THE UPPER CLASS

CURRICULUM

AT THE OHIO STATE UNIVERSITY

MORITZ COLLEGE OF LAW

Revised: April, 2008
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PREFACE

The Academic Affairs Committee compiled the original version of this manual in 1994 and the faculty and Associate Dean for Faculty update it annually.

After completing the first year mandatory curriculum at the College, there are only two remaining courses that students are required to take in order to satisfy graduation requirements. Beyond those two courses, students are free to choose any course of interest to them. The purpose of this Guide is to help students in the selection of their upper-class courses.

The Guide to the Upper-Class Curriculum is divided into two sections. Section I materials identify general information governing the curriculum, including graduation requirements and the course registration process; enrollment in courses offered at Ohio State University but outside the College of Law; and procedures governing Dual Degree Programs. Section II materials identify possible areas of intellectual and practice interest in the law and offers advice from the teaching faculty on how a student with interest in an area might arrange his or her upper level coursework.

As a faculty, we have different opinions about whether it is important to choose a specialty or concentration. Some believe that specializing permits more advanced study, enhances interest in the second and third years of law school, and provides an advantage in the employment market. In contrast, others point out that having a broad education is the best strategy, since lawyers change specializations frequently, and further note that flexibility may add to greater job opportunities. Each student must make his or her own decision concerning these issues.

All faculty agree, though, that whatever might be a student's particular interest, each student should develop knowledge and skills in basic law subjects. For example, most students should probably take the second-year preference courses--Business Associations, Civil Procedure II, Evidence, and Federal Income Taxation--regardless of their areas of interest. Further, all students should select courses that will help them to develop writing and research skills, because these are essential skills in every field of law. Faculty members do, however, have different views on whether preparation for the bar examination should be a major factor in course selection. Some believe that students can learn subject-specific materials while they study for the bar.

If you have questions about what courses to take, feel free to speak with your faculty advisor, those faculty members who teach in your areas of interest, or Assistant Deans Monte Smith or Kelly Smith.
SECTION 1: GUIDELINES FOR COURSE SELECTION

A. GRADUATION REQUIREMENTS

1. HOURS REQUIRED

Under Faculty Rule 5.04, a student must successfully complete 88 semester hours of credit in order to graduate. This averages out to approximately fourteen hours a semester in the four semesters of the second and third year. First-year students who have load lightened must average slightly more credit hours in their second and third years in order to complete the required first-year curriculum and the appropriate number of upper-level credit hours.

2. RESIDENCE REQUIREMENTS

Under Faculty Rules 5.01 and 5.02, a student must have six semesters of full-time residence, or the equivalent, in order to graduate. Full-time residence is defined as ten semester hours or more of College of Law work in a semester, excluding a summer session. A summer session (regardless of the number of hours taken) or a regular academic year semester with less than 10 semester hours counts as a part-time semester of residence. Rule 5.02 provides in part:

If a student takes fewer than ten semester hours of work in courses scheduled in the College of Law during any semester or summer session, each hour will count as one tenth of a full semester for purposes of determining whether the full semester requirements for graduation are met. However, no more than three sessions (semester or summer session) may be aggregated during a student's law school career for purposes of meeting the full semester requirements for graduation, and students seeking to aggregate semesters or sessions of fewer than 10 hours to more than one full semester must secure the approval of the Academic Affairs Committee.

A single summer session, regardless of the number of hours taken, is not the equivalent of a full-time semester; however, two summer sessions can be aggregated into the equivalent of one full-time semester as long as a total of ten credit hours are taken during those summer sessions and as long as the total number of class days during those summers total 65 days. Many summer abroad programs, including The University of Oxford–Ohio State University Summer Law Program, do not contain a sufficient number of class days to allow the summer session to count as one of two summers needed to allow a student to graduate early. A student attending the Oxford Program (or another summer abroad program) who desires to use the attendance at that program to accelerate graduation must also attend other classes of a sufficient number of class days to meet the “class day” requirements.
Additional graduation requirements may be found in Faculty Rule 5.13, which provides that "... the requirements for completion of the J.D. degree shall be completed within a maximum total of seven semesters of enrollment, whether that enrollment is part-time or full-time and shall be completed within a maximum total of five calendar years from the date of first matriculation in the College of Law."

3. **Course Requirements for Graduation**

There are two upper level courses required for graduation: Appellate Advocacy I and Professional Responsibility. In addition, each student must satisfy the Seminar requirement and the Second Writing requirement.

   a. **Appellate Advocacy I Requirement**

   Students must take Appellate Advocacy I during the Autumn Semester of the second year. Legal Research and Legal Writing and Analysis are taken by every student during his or her first year; Legal Writing and Analysis is a prerequisite for Appellate Advocacy I.

   b. **Legal Profession Requirement**

   Faculty Rule 5.08 (and most bar admitting authorities) requires every student to complete a Legal Profession course. Students may satisfy this requirement by taking the Legal Profession or Professional Responsibility course or seminar offered by Adjunct Professor Jon Couglan, Professor Fairman, Professor Greenbaum, or Professor Emeritus Shipman. Students participating in the Washington, DC Summer Program satisfy the requirement when taking Professor Swire's course, The Ethics of Washington Lawyering, and students participating in the Summer Oxford Program fulfill the requirement with Professor Whelan's Comparative Legal Professions. The Legal Profession requirement may be satisfied during either the second or the third year.

   c. **Seminar and Second Writing Requirements**

   Faculty Rule 5.07 requires all students to take a seminar. Seminars have relatively small enrollments and significant writing components. With the exception of the Mediation Practicum-Seminar, which satisfies the seminar requirement, and Professor Laughlin's Interprofessional course, which may satisfy the seminar requirement, all seminars bear 796 numbers. The seminar requirement may be satisfied during either the second or the third year.

   Faculty Rule 5.07 also requires all students to take a second writing course--that is, a writing course in addition to a seminar. A student may satisfy this requirement by taking a second seminar. The second writing requirement may also be satisfied by earning four or more hours of writing credit on the law journals or by membership on a moot court team that participates in a regional or national competition, if the student participated in writing a brief for the competition and the faculty advisor certifies that this meets the writing requirement. The
requirement may also be satisfied by completing two or more hours of Independent Study that results in the completion of an original paper. In addition, the following courses satisfy the second writing requirement:

- 601 Advanced Legal Writing (Beazley)
- 694 Real Estate Development (Daley)
- 700.01 Interprofessional Care (Kolman)
- 700.03 Interprofessional: Ethical Issues (Laughlin)
- 703 Legal Negotiations (Stulberg)
- 739 Pretrial Litigation (Chester)
- 794 Sentencing (if paper option selected) (Berman)
- 794 Landlord-Tenant (Wilkinson)
- 794 Lawyers as Leaders (Jenkins)
- 794 Advanced Issues in Dispute Resolution (Cole)

The second writing/skills requirement may also be satisfied by taking any of the practica (i.e. clinical courses described above) or simulation-type courses such as Negotiations, Trial Practice, Business Planning or Pretrial Litigation. The second writing/skills requirement may be satisfied during either the second or third year.

4. Other Graduation Requirements

The Faculty Rules contain other graduation requirements relating to class attendance, necessary grade-point average, limitations on the number of failures, and the like. See Faculty Rules 5.10, 5.11, and 9.08. There are also particular requirements that apply to students enrolled in joint-degree programs and to students who take courses outside the College of Law for J.D. credit. If you fall in either of these categories, see Faculty Rules 3.06 and 9.47.

If you have questions about graduation requirements, feel free to contact Assistant Dean for Academic Affairs, Monte Smith.

B. Course Registration Process

The course registration process for prospective 2Ls and 3Ls (who are typically referred to as “Rising 2Ls and Rising 3Ls”) is conducted in the following manner.

1. Procedure. In the Spring of each year, the College provides Rising 2Ls and Rising 3Ls with: a) a copy of the academic calendar for the following year; b) a list of all courses scheduled to be offered for the entire following academic year (including summer), including the names of the professors scheduled to teach the course and the class meeting days and times; and c) a packet containing course descriptions for scheduled courses. Typically, professors from several course areas (e.g. Clinical programs) offer an “information orientation” session to describe for interested students the projected course offerings and answer any questions students might have; additionally, the office of Associate Dean for Academic Affairs, in conjunction with
the Moritz Registrar, conduct orientation sessions in which they answer questions not only about the curriculum but also about the on-line course registration process. With this information, students then develop their own course schedule for the following year.

Course registration occurs through an on-line registration process only. A description of that procedure appears on the College Registrar's website.

2. Course Enrollment Limits, Course “Preferences," and Waiting Lists.

a. Course enrollment limits. Each course offered has an enrollment limit; these range from large classes (75 students per class section) to seminars (20 students per class). Enrollment limits are designed to ensure a quality educational experience for all students.

b. Course “preferences." Rising 3Ls register for classes a week before rising 2Ls. This provides rising 3Ls with priority registration for all upper-level classes, except those designated as second year preference courses, which are Business Association, Civil Procedure II, Evidence, and Federal Income Taxation.'

First choice preference. All students have the opportunity to request enrollment in one course prior to the official start of registration. Nearly all students will be enrolled in their first choice selection, or they will be high enough on the wait list to ultimately enroll. Any student who is waitlisted for their first choice selection will be given the opportunity to select a second choice.

c. Waiting Lists. During the registration process, students are placed on a waiting list for those classes that are oversubscribed. If an opening in the class occurs, either during the registration process or, more typically, as the semester is about to begin, students are automatically enrolled in the course in the order in which their names appear on the list. Students who have registered for too many hours or classes that conflict with the waitlisted course will NOT be automatically enrolled. Students are therefore advised to monitor their waitlisted classes and their schedules via Buckeye Link.

C. SELECTING COURSES OUTSIDE THE COLLEGE OF LAW

Law students may receive up to five credit hours toward graduation for courses taken outside the College of Law, if they meet the conditions set forth in Faculty Rule 9.46 (B). These non-law course credits are instead of, rather than in addition to, credits available through the dual degree program. Normally, the non-law courses must be offered at a graduate level in order to satisfy review for educational benefit and commensurate time and effort. However, language courses not available at the graduate level sometimes qualify, even if offered at the undergraduate level, although the number of credit hours allowed toward law graduation will be

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adjusted downward so that they are commensurate with the time and effort expended for law
courses carrying comparable credit hours. The Moritz Registrar can provide the form to secure
permission to take a course outside the College of Law for credit toward the Juris Doctor degree.

Faculty Rule 9.46(B) provides as follows:

(B) Law students shall be permitted to enroll in courses and seminars offered
outside the College up to a total of five semester hours credit, provided:

(1) The student desiring to take such a course or seminar presents a
petition to enroll to a law faculty member. Where practicable, the faculty member to
whom the petition is presented shall be familiar with the area in question.

(2) The petition shall contain adequate data concerning the course or
seminar, including reading lists and other requirements of the course, to demonstrate
why the course is useful and relevant to the student's professional interests and to
establish that there is no unacceptable overlap with offerings available in the College
of Law.

(3) The law faculty member certifies in writing that the course or seminar
will be useful and relevant to the student's professional interests and that there is no
unacceptable overlap with offerings available in the College of Law.

(4) The petition is approved by the Associate Dean for Academic Affairs.

(5) Courses and seminars so approved shall count toward fulfillment of the
College's hour requirement for graduation if (a) the faculty member who approved the
course or seminar under Paragraph 3 above, reviews the student's participation in such
course or seminar at least once each term and determines that in its actual operation it
is achieving its educational objective and that the credit allowed is, in fact,
commensurate with the time and effort expended by, and the educational benefits to,
the participating students, and (b) if the student receives a passing grade in the course
or seminar. However, grades earned in such courses or seminars shall not be included
in computing the student's cumulative point-hour grade in the College of Law.

(6) Approved petitions and statements required pursuant to Paragraph (5)
above, shall be maintained in the College of Law files of the petitioning students. Copies of approved and disapproved petitions and statements required pursuant to
Paragraph (5) above, shall be maintained by the Associate Dean for Academic Affairs.
D. DUAL DEGREE PROGRAMS

A number of Moritz students want to pursue simultaneously both a Juris Doctor degree and a graduate degree program in another discipline. Popular joint programs include the JD and the Master of Business Administration (MBA), Master of Arts in Public Administration, and master-level programs in the College of Education. In addition to the educational benefits of such studies, students pursuing the joint program are able to reduce the length of time it would take to earn each degree if pursued separately. The opportunity for a student to pursue a joint-degree program is presented by Rule 3.07 of the College of Law Faculty Rules. That Rule reads in pertinent part as follows:

3.07 Dual Degree.

To provide opportunities for the earning of dual degrees:

A. Students enrolled concurrently in the College of Law and in a post-baccalaureate degree program shall be entitled to receive twelve semester hours credit toward their J.D. degrees, providing they are in good standing in the post-baccalaureate degree program and have satisfactorily completed twenty quarter hours of non-law credit toward their graduate degree, or have already received such degree, at the time of graduation from the College of Law.

B. To qualify for the credits afforded in 3.07(A) above, the following requirements must be met:

(1) The post-baccalaureate degree program must be approved by the Associate Dean for Academic Affairs of the College of Law. The Associate Dean for Academic Affairs, after consultation with a faculty member who has reviewed the proposed program, shall approve programs which are offered by a fully accredited college or university, are deemed relevant and useful to the training of law students for the professions, and appear to contain substantial intellectual content. Law students and applicants to the College of Law intending to enroll in degree programs not yet approved may initiate requests for approval prior to enrollments.

(2) A significant part of the requirements for the post-baccalaureate degree must be fulfilled while the dual degree candidate is enrolled in the College of Law. What constitutes a "significant part" may be determined in general or on a case-by-case basis by the Academic Affairs Committee.

(3) The participation of each student enrolled in a dual degree program under this rule shall be periodically reviewed by a faculty member designated by the Associate Dean for Academic Affairs to insure that in its actual operation the program is achieving its educational objectives and that the credit allowed is in fact commensurate with the time and effort expended by, and the educational benefits to, the participating students.
C. Students enrolled in an approved dual degree program under this rule may, if reasonably necessary or useful in fulfilling the requirements for both degrees, extend the period for matriculation from the College of Law to four academic years. However, enrollment in such programs shall not per se entitle any student to drop or defer any required first-year course. Students seeking to drop any required first-year course to enroll in courses under a dual degree program must obtain the permission of the Academic Affairs Committee.

PROCEDURES:

1. **STUDENTS ENROLLED IN THE COLLEGE OF LAW, BUT NOT IN THE GRADUATE SCHOOL**
   a. Ascertain the graduate program in which you wish to enroll.
   b. Consult with the Associate Dean of Academic Affairs at the College of Law and arrange for a College of Law faculty member to advise you and supervise your program.
   c. Notify the Graduate School of your desire to enroll in the dual degree program and accomplish the paperwork to secure admission to the Graduate School and permission to enroll in courses in pursuit of a graduate degree.
   d. Complete the dual degree form available from the Associate Dean for Academic Affairs or the Moritz Registrar and have it approved by your College of Law faculty advisor and by your advisor in the Graduate School.

   Note: Upon approval, you must initiate a transfer to Law 7, the University designation for the dual degree program. See Moritz Registrar's Office to initiate transfer.

   e. Submit the dual degree form to the Associate Dean of Academic Affairs at the College of Law for approval.

2. **STUDENTS ENROLLED IN A GRADUATE SCHOOL, BUT NOT IN THE COLLEGE OF LAW**
   a. Secure admission to the College of Law. See College Bulletin.
   b. Consult with the Associate Dean of Academic Affairs at the College of Law and arrange for a College of Law faculty member to advise you and supervise your program.
   c. Complete the dual degree form available from the Associate Dean for Academic Affairs or the Moritz Registrar and have it approved by your advisor in the Graduate School and by your dual degree faculty advisor in the College of Law.
d. Submit the dual degree form to the Associate Dean of Academic Affairs at the College of Law for approval.

   Note: Upon approval, you must initiate a transfer to Law 7, the University designation for the dual degree program. See Registrar's Office to initiate transfer.

3. **STUDENTS NOT ENROLLED IN GRADUATE SCHOOL OR THE COLLEGE OF LAW**

   a. Secure admission to the College of Law. See College Bulletin.

   b. Ascertain the graduate program in which you wish to enroll.

   c. Consult with the Associate Dean of Academic Affairs at the College of Law and arrange for a College of Law faculty member to advise you and supervise your program.

   d. Notify the Graduate School of your desire to enroll in the dual degree program and accomplish the paperwork to secure admission to the Graduate School and permission to enroll in courses in pursuit of a graduate degree.

   e. Complete the dual degree form available from the Associate Dean for Academic Affairs or the Moritz Registrar and have it approved by your advisor in the Graduate School and by your dual degree faculty advisor in the College of Law.

   f. Submit the dual degree form to the Associate Dean of Academic Affairs at the College of Law for approval.
SECTION II: COURSE AREAS

ANTITRUST

Faculty: Professor Peter Swire

The law school offers a beginning course in Antitrust Law. The beginning course studies the basic principles of antitrust law. Coverage in this course includes: section 1 of the Sherman Act, as it applies to horizontal agreements between competitors and to vertical agreements with suppliers or customers; section 2 of the Sherman Act, as it applies to monopolization and attempted monopolization; section 3 of the Clayton Act, as it applies to distribution systems; and section 7 of the Clayton Act, as it applies to mergers. Some related legislative provisions are also covered. There is no prerequisite for the beginning course, and it is taken equally by second- and third-year students. It is helpful, but not necessary, to have had an introductory economics course in price theory or microeconomics.

In some years an Advanced Antitrust course is available for students who want to do additional work in the area of antitrust. The advanced course takes up the topic of price discrimination under the Robinson-Patman Act, antitrust law as applied to international trade, procedural aspects of enforcement of the antitrust law, and other selected special topics. The advanced course can be taken either as a course or for seminar credit. The beginning course, or its equivalent, is a prerequisite for the advanced course.

Antitrust questions also come up in a number of other courses, such as Sports Law, Health Law, Labor Law, Entertainment Law, Copyright Law, and Patent Law. Antitrust law is closely related to corporate law courses, as well as other economic regulation courses, and may be of particular interest to students planning on working in those kinds of practice. In addition, the antitrust law is enforced by two rather large federal agencies, as well as by sections in several state attorney's general offices. These offices often provide job opportunities for students interested in practicing public sector law in this area.

BANKRUPTCY

Faculty: Adjunct Professor & Judge Guy Cole

Professor Creola Johnson
Visiting Professor Steven Walt
Professor Emeritus Douglas Whaley

Basic Description:

The College typically offers several courses in bankruptcy: Debtor-Creditor Law, Consumer Bankruptcy and Business Bankruptcy Reorganizations. Students can take either of the
first two, but not both as they cover mostly the same material. These courses include some guidance on state debt collection rules (particularly fraudulent conveyances/transfers and the foreclosures rules of Part 5 of Article 9 of the Uniform Commercial Code), but the primary focus of the course is on the federal Bankruptcy Code and its Official Rules.

The Bankruptcy Code is divided into different chapters, and the instructor may elect to emphasize some chapters more than others. Debtor-Creditor and Consumer Bankruptcy focus on Chapter 7 bankruptcies, the basic method of liquidating the assets of the debtor and discharging individual debtors from their debts. Business Bankruptcy Reorganizations focuses on business reorganizations rather than liquidations; the primary focus of this course is on Chapter 11 of the United States Bankruptcy Code (a reorganization procedure for business entities), though some attention is also paid to Chapter 12 (a reorganization procedure for farmers) and Chapter 13 (reorganizations for individuals with certain regular incomes).

**Importance of the Course:**

Any time the economy worsens, the number of bankruptcies rises, and even attorneys who never thought they were going to do bankruptcy work, can find themselves in the bankruptcy courts representing clients. A basic knowledge of bankruptcy and its rules will enable any attorney to better advise clients on how to structure their lives so that a bankruptcy of either the client or those with whom the client must deal will have as little adverse effect as possible. Bankruptcy is also of particular importance for those whose clients need to collect particular debts (e.g., child support, mass tort judgments).

**Related Offerings:**

No upper-class courses are prerequisites to the Debtor-Creditor or Bankruptcy course, but students who have had the course in Secured Transactions (or who are taking it at the same time as Debtor-Creditor) will have an advantage in understanding the Bankruptcy Code. The other commercial law subjects--Sales and Commercial Paper--are also helpful in appreciating bankruptcy issues, and anyone planning to practice in the area of commercial law would want to take all of these courses or the Commercial Law course, which covers each of these areas, as well as the Consumer Law course. A number of other courses in the curriculum--Business Associations, International Trade and Development, and Remedies--will have useful tie-ins with bankruptcy law. Those interested in Bankruptcy may also want to take a litigation related course.
BUSINESS ASSOCIATIONS AND BUSINESS LAW

FACULTY: Adjunct Professor Elizabeth Ansteatt
Adjunct Professor David Axelrod
Adjunct Professor George Bennett
Adjunct Professor William B. Chandler (Distinguished Professor in Residence)
Senior Lecturer in Law Rick Daley
Visiting Professor Steven M. Davidoff
Adjunct Professor Donald Gardiner
Professor Larry Garvin
Adjunct Professor Gail Block Harris (Distinguished Professor in Residence)
Professor Garry Jenkins
Professor Dale Oesterle
Professor Paul Rose
Adjunct Professor Daniel Sandman (Distinguished Professor in Residence)
Professor Emeritus Morgan Shipman
Adjunct Professor Scott V. Simpson (Distinguished Professor in Residence)
Professor Peter Swire
Professor Vincene Verdun

BASIC COURSE:

The basic course is Business Associations, a course covering agency, sole proprietorships, partnerships, registered partnerships, limited liability companies, and corporations. Business Associations is taught in offerings of different lengths and configurations. Any one of these offerings is a satisfactory base for the several advanced courses in this area (many of which require Business Associations as a prerequisite) and for the many related courses. You should read each Professor's separate course description for individual variations between the sections of this course.

There is no prerequisite or co-requisite for Business Associations. It is open to any second-year student, and it should be taken during the student's second year. Most students who work in law firms will have businesses as clients, and need the material in the course to understand them. A majority of such students will also have business governance or capitalization issues in their primary work, either as litigators or as deal lawyers.

ADVANCED OFFERINGS:

Securities Regulation is an advanced course covering the Securities Act of 1933 and parts of the Securities and Exchange Act of 1934. The focus of the course is on the regulation of the public capital markets in the United States. Students must complete a basic Business Associations course as a prerequisite.
Accounting for Lawyers is open to any upper-class student with 6 or fewer hours of undergraduate accounting. This course is an invaluable sophisticated introduction to accounting, which is the universal language of business. It assumes no background in accounting and business and will be helpful in the practice of law, as well as in mastering basic tax and business courses in law school. Students will learn to read financial reports, a vitally important skill for lawyers in almost any type of practice, and will become more sophisticated in their understanding of financial issues.

Mergers and Acquisitions studies the planning of corporate mergers, acquisitions, and reorganizations, examining the application and integration of state corporate law, federal securities law, accounting principles, tax law, labor law, products liability law, environmental law, ERISA, and antitrust law. Prior or simultaneous class in Business Associations is recommended, but not required.

Small Business & Entrepreneurial Finance studies the legal and financial issues arising from small and start-up businesses, from formation to initial public offering. Topics to be discussed include basic accounting and valuation techniques; transaction cost economics, relational contract and entrepreneurial psychology; choice of entity; founder finance, including tax and bankruptcy issues; insider finance, including shareholder oppression and restraints on alienability; non-bank credit; angel investing; venture capital, including control and cash flow rights, fiduciary duties, and exit strategies; and franchising. The class will be taught using a combination of traditional lecture and discussion with problem-solving, contract drafting, and role-playing.

Banking Law is an advanced course covering U.S. banking regulation, but also going into depth on emerging issues of electronic commerce. Some of these topics may include: antitrust on electronic networks; new electronic payments systems; privacy and cryptography in on-line transactions; and digital signatures and problems of Internet commerce.

Business Change of Control Transactions: Inter-Professional Issues is a course jointly offered by the Moritz College of Law and the Fisher College of Business for law students and business students. The course is intended to expose law students to the transactional issues involved in mergers and acquisitions and business students to the legal side of mergers and acquisitions. Completion of a Business Associations course is a prerequisite for this course.

Nonprofit Organizations is an advanced course covering corporate and federal tax matters of our nation’s nonprofit sector. This course examines the scope and meaning of the non-profit concept; problems of non-profit corporations under state corporate law; procedural steps associated with obtaining federal exemption from tax; the unrelated business income tax; public accountability; state and federal supervision; lobbying limitations; competition with the for-profit sector; and other relevant issues. Distinctions between public charities and private foundations, their responsibilities and their taxation are also addressed. Prior completion of or concurrent enrollment in either Business Associations or Federal Income Tax is suggested.
Deals  This course explores how contract law operates in the establishment of commercial relationships. We begin by reviewing contract law from a transactional perspective: what types of problems do contracting parties face in establishing joint ventures, partnerships, long-term contracts and deals? These are problems of strategic behavior, opportunism, private information and risk. Learning about the sources of problems in cooperative relationships gives a lawyer an opportunity to think creatively and strategically about contract design: what kinds of promises and commitments do the parties need to make their deal go forward? We then apply these ideas to concrete contracting cases based on actual documents and events in contractual deals handled by a large commercial law firm. Students will work in groups with these cases, researching relevant law and writing analysis and advice memos dealing with issues such as: should your client accept the proposed changes to this contract? Should the parties opt for a partnership contract or should they avoid the use of the word "partner"? What protections are provided in this arrangement for the client's confidential information? What risks will the client face if it agrees to a joint venture without further contractual agreements? What methods could the parties use to adapt their deal over time given the lack of information available to them at the time of entering this relationship? At what point in negotiations are the parties at risk of being held bound to an agreement? What's the impact of a letter of intent on contractual obligation? Should the parties adopt an arbitration clause or not? Through legal research, analysis and class discussion, students will hone their analytical and writing skills, and in particular their ability to exercise judgment, focus in on the key issues and address a client's need for help in seeing the big picture and thinking about contracts strategically. Grading is based on these memoranda and on class participation.

Insurance  This course covers the multiple relationships to business and commercial ______ affected by insurance principles and regulations.

 RELATED OFFERINGS:

All of the following courses are related to Business Associations (though Business Associations is not a prerequisite for any of them):

1. Tax courses. Tax law cuts across all business associations issues.
2. Employment Law, Labor Law, or Employment Discrimination courses. Business associations are the largest employers in the U.S.
3. Environmental Law. In purchasing or selling a business, environmental concerns are crucial.
4. Deferred Compensation. Such a course deals with issues under ERISA (the federal Employees Retirement Income Security Act) and with all types of "employee benefit plans" (e.g., a pension plan). These issues are found in many business associations problems.
5. Family Law. In a divorce or dissolution, division of a business (or an interest in a business) is often the crucial consideration from a business viewpoint.
6. Debtor-Creditor and other Bankruptcy courses. These issues often determine business associations questions.
8. Property courses. Much in business associations work depends upon property law.
10. Remedies. Much business associations work is now in the litigation arena. The Remedies course often supplies the key answer to a business associations dispute.
11. International Trade and Development. Since the 1990's, many business associations issues for U.S. businesses turn on transnational or international law.
13. Consumer Law. A manufacturer, retailer, wholesaler, or service business should understand the many, complicated statutes covered in Consumer Law -- for we live in the age of the consumer.
14. Administrative Law. Many business associations issues are resolved by administrative agencies such as the Securities and Exchange Commission.
15. White Collar Crime and Criminal Law in the Boardroom. A business lawyer increasingly needs an understanding of white color crime topics, including such topics as fraud, money laundering, RICO and the law governing document subpoenas.
16. Intellectual Property. The issues covered in intellectual property classes are often of central concern to business entities.
17. Lawyers as Leaders. This course focuses on the theory and practice of leadership in the business, government, and nonprofit sectors.
18. Real Estate Finance and Real Estate Development Law

In addition, in 2005-06, the College of Law initiated a series of five 1-credit mini-courses in the business-law field taught by Distinguished Practitioners-in-Residence, including the following: An Introduction to International Mergers & Acquisitions and Strategic Investments, Professional Responsibility Challenges & Pitfalls of the Corporate Lawyer, Litigating Takeover Cases, Introduction to Issues Associated with International Joint Ventures and Fiduciary Responsibilities of Corporate Board Members. (Check the College website on the Distinguished Practitioners-in-Residence Program).
CHILDREN STUDIES

FACULTY: Professor Katherine Federle  
Clinical Professor Angie Lloyd  
Professor Marc Spindelman

Legal issues affecting children and their families are universal and ubiquitous. Child and family law include constitutional and jurisprudential issues touching deep moral and emotional issues, as well as a panoply of diversity issues, all of which are in flux. Children Studies offer an opportunity to gain perspective both on political issues and on one's personal and professional life.

There are no prerequisites or required order for taking Children Studies courses, although the Justice for Children Practicum is open only to third-year students.

BASIC CHILDREN STUDIES COURSES:

(1) Children and the Law. This survey course taught by Professor Federle explores the legal and philosophical bases for state intervention in the lives of children and their families. The course examines the substantive and procedural laws governing the conduct of minors in delinquency and status offense proceedings, the state's authority to protect abused and neglected children, the rights and obligations of parents in juvenile and family court matters, and the rights of children to make decisions affecting their lives. Students are asked to focus on the constitutional rights of children and parents in juvenile and domestic court processes and are invited to explore the constitutional and practical limitations of the current legal system dealing with children and their families.

(2) Family Law. This survey course may cover such issues as: (1) requisites for marriage and annulment, including incest taboos, same-sex unions, determination of gender, common law marriage; (2) legal issues affecting married people, including obligations of support, work/family conflicts, domestic violence, medical decision-making; (3) grounds for divorce and dissolution and role of counsel; (4) child custody issues at divorce, including parental characteristics, use of experts, effect on children, shared custody, and mediation; (5) economic consequences of divorce, including the theoretical justification for spousal support and the practical problems of valuing professional practices, close corporation shares, and pension benefits as part of property division; (6) reproductive technology, including surrogate mother contracts; and (7) adoption, including rights of unwed fathers.

(3) Justice for Children Practicum. The Justice for Children Practicum is a one-semester course open to eligible third-year law students. Certified by the Ohio Supreme Court as Legal Interns pursuant to Rule II of the Supreme Court rules for the Government of the Bar of Ohio, students represent clients under faculty supervision in a variety of proceedings implicating the rights of children. These may include abuse and neglect, delinquency, status offense, judicial
bypass, domestic, adoption, and termination of parental rights cases. Interns work with their clients at all stages of the representation and participate in pretrial hearings and at trial. The four-hour classroom component of the course provides students with an opportunity to learn lawyering skills within a substantive context while developing an approach to the thoughtful and ethical practice of law. Students also discuss their cases in class and in weekly cases round meetings. This case discussion creates additional opportunities to explore strategic and ethical issues.

**Seminars and Other Courses:**

Seminars and other courses may be offered but vary on an annual basis. These seminars include Issues in Adoption Law and Advanced Issues in the Law of Foster Care. Other courses also may be useful to students who wish to pursue a career in child and family advocacy. These include Criminal Procedure: Investigation, Interprofessional Care and Civil Procedure II.

**Certificate in Children Studies:**

The requirements for the Certificate are set forth in the Faculty Rules as follows:

4.03. **Certificate in Children Studies**

The Certificate in Children Studies will be awarded to those students who have successfully completed the requirements for a J.D. degree and also the special requirements listed below for the certificate. The Dean of the College of Law is authorized to select a faculty member or members who will administer the certificate program. The Dean also may appoint an advisory committee to provide consultation to the faculty administrator on matters relating to the certificate program.

The Certificate Program will be open to all students in good academic standing at the Moritz College of Law. Students may apply to the Certificate Program at any time by submitting an application together with a list of planned courses for the Certificate to the faculty administrator.

In order to fulfill the requirements of the Certificate Program, students must successfully complete the equivalent of twenty semester hours of course work. Fifteen of these semester hours must be completed within the College of Law and the equivalent of five semester hours in graduate-level courses in other departments and colleges at The Ohio State University. All of such course work shall be completed with the consultation and approval of the faculty member administering the program.

Students must complete fifteen semester hours of Moritz College of Law course work, which must include ten semester hours in three core Children Studies courses: Children and the Law (three semester hours), Family Law (three credit hours), and the Justice for Children Practicum (four credit hours). Each student’s additional law school courses shall be chosen from
among a selection of courses relating to children studies approved by the faculty administrator. The fifteen semester hours of course work completed by students within the Moritz College of Law will concomitantly satisfy the requirements toward the J.D. degree.

Students also must successfully complete the equivalent of an additional five semester hours (the equivalent of eight quarter hours) by completing graduate-level course work outside the Moritz College of Law. Each student must obtain approval for the graduate-level courses from the faculty administrator and comply with all other University rules governing enrollment in courses outside the student's department or college. Courses cross-listed at the law school and another college or department may count toward the required 5 semester hours of graduate-level courses.

The Certificate in Children Studies shall be a separate document from the J.D. diploma and a notation regarding the Certificate shall be made on the transcript of grades for the J.D. degree in the same manner as the notation for honors is printed.

The Certificate requirements may be amended by a vote of the Moritz College of Law's Academic Affairs Committee in consultation with the faculty administrator upon good cause shown.

The Certificate Program automatically expires at the end of Spring 2010 unless a majority of the Moritz College of Law faculty votes to extend the Program.

CIVIL RIGHTS AND CIVIL LIBERTIES

Faculty: Professor Michelle Alexander
Professor Sanford Caust-Ellenbogen
Professor Martha Chamallas
Professor Ruth Colker
Professor Katherine Federle
Professor Edward Foley
Professor David Goldberger
Professor L. Camille Hébert
Professor Stanley Laughlin
Professor John Powell
Professor Marc Spindelman
Professor Peter Swire
Professor Daniel Tokaji
Professor Vincene Verdun
Professor Charlie Wilson

Courses in this grouping include Advanced Constitutional Law; Bioethics, Employment
Discrimination Law; The Law of Disability Discrimination; Special Education Advocacy; Family Law; Federal Courts; Fourteenth Amendment; Law of Politics; First Amendment; Gender and the Law; Statutory Civil Rights; Children and the Law; and Religion and the Constitution. Seminars are offered in such areas as Constitutional Problems; Feminist Legal Theory; Law and the Political Process; Race and the Law; Law of Privacy; Sexual Harassment; Sexual Orientation and the Law; and State Constitutional Law.

Related courses are Administrative Law; Civil Law Practicum; Civil Procedure II; Criminal Procedure--Evidence Gathering; Employment Law; Evidence; Legislation; Pretrial Litigation; Professional Responsibility; Remedies; and Trial Practice. Seminars on Critical Race Theory and Political Theory address fundamental questions about civil rights and liberties.

Curricular choices abound and may be tailored to the student's interests. A student with a litigation-oriented interest should elect the core statutory courses, such as Employment Discrimination, and litigation subjects, such as Pretrial Litigation, Trial Practice, Civil Procedure II, or Civil Law Practicum. A student with more general-orientation interest might focus on advanced or specific constitutional law courses and the seminars.

Seminars provide an opportunity for research and writing on controversial and unresolved issues, and students can build on the foundation of the survey courses by taking a seminar on a related topic. Prerequisites are generally not imposed, but Faculty Rules and the Honor Code preclude submission of the same work for two courses.

**COMMERCIAL LAW**

**Faculty:** Adjunct Professor Jeffrey Ferriell
Professor Larry Garvin
Professor Creola Johnson
Professor Gregory Travalio
Professor Vincene Verdun
Visiting Professor Steven Walt
Professor Emeritus Douglas Whaley

The field known as commercial law deals with the legal framework in which goods move from the producer of raw materials through the manufacturing and distribution processes to the ultimate consumer. In doing so, it focuses not only on sales and other ownership transfers but also on payment and credit. Commercial law deals with the problems of both consumers and businesses, large and small. Most of its basic ideas concern agreement, ownership, and duty, and were introduced during the first year of law school -- particularly in the Contracts, Property, and Torts courses. Modern American commercial law is largely codified or statutory law. The most important statute is the Uniform Commercial Code (UCC), which, with variations, has been enacted in all of the fifty states and in the District of Columbia. All our commercial courses
devote considerable attention to the study, interpretation, and application of the UCC. Other statutes and regulations, both state and federal, and various common law and equitable doctrines are also considered.

Our commercial law curriculum includes four courses -- Commercial Paper (605), Sales (609), Secured Transactions (610), and Commercial Law (659). Commercial Paper, Sales, and Secured Transactions are one-semester courses -- each dealing with a major part of the field known as commercial law. A student may elect one, two, three, or none of these semester courses. Commercial Law, when offered, is a year-long course that covers the material in Commercial Paper, Sales, and Secured Transactions plus some additional material. A student who elects Commercial Law may **not** elect Commercial Paper, Sales, or Secured Transactions. Debtor-Creditor Law (611) and Consumer Law (657) are closely related to the commercial law curriculum, but are treated separately in this manual. All of the commercial courses are appropriate for both second- and third-year students.

The **Sales** course covers the sale and lease of goods -- tangible personal property (as opposed to real estate and intangibles, such as stocks and bonds). It is centered on Articles 2 and 2A of the UCC, but other statutes, such as the federal Magnuson-Moss Warranty Act, and the U.N. Convention on Contracts for the International Sale of Goods, are also considered. Among the topics studied are contract formation, statute of frauds, unconscionability, warranties, good faith purchases, performance obligations, breach, excuse, and remedies. The Sales course affords students an opportunity to review some of the ideas presented in the Contracts course as well as to consider new material. Lawyers who engage in either general or business practices are likely to have contact with the matters studied in Sales.

The **Commercial Paper** course deals with payment by check and by electronic funds transfer, with the relationship between a bank and its depositor, and with promissory notes. It is centered on Articles 3, 4, and 4A of the UCC, but also considers other statutes and regulations. Among the topics studied are negotiability, the holder-in-due-course doctrine, and the law of checks (who is liable to whom on a check, how a check should be indorsed, what happens when there is a forgery or alteration, a depositor's right to order his bank to stop payment, the cashing, collection, and payment of checks, and like matters). The Commercial Paper course explores some difficult statutory material and covers ground that general practitioners and business lawyers will, from time to time, need to traverse.

The **Secured Transactions** course is concerned with credit that is secured by security interests in personal property. It is focused on Article 9 of the UCC, but also considers a number of other statutes, including significant parts of the federal Bankruptcy Code. One who buys a car on credit commonly secures his or her promise to repay the amount of the credit plus a finance charge by granting the creditor (the selling dealer, or a bank or finance company) a security interest in the car being purchased. The course explores such security interests, as well as security interests in business and farm equipment, shares of stock, merchant inventory and accounts receivable, and other personal property. Among the topics considered are filing to give
constructive notice of security interests, repossession and foreclosure, and a secured party's rights as against various third parties, including purchasers from the debtor, other creditors of the debtor, governmental units to which the debtor owes taxes, and the debtor's trustee in bankruptcy. Law firms with business practices are likely to have considerable contact with the law of secured transactions, and general practitioners will also meet it from time to time.

The Commercial Law course is a six-hour course that covers the material that is covered in Sales, Commercial Paper, and Secured Transactions and also gives attention to Articles 5, 6, 7, and 8 of the UCC (articles that deal with Letters of Credit, Bulk Sales, Documents of Title, such as warehouse receipts and bills of lading, and Investment Securities, such as stocks and bonds). Students should not feel they need to take this class solely for bar exam purposes.

CONSTITUTIONAL LAW AND THEORY

FACULTY: Professor Ruth Colker
        Professor Edward Foley
        Professor David Goldberger
        Professor Steve Huefner
        Professor Stanley Laughlin
        Professor John Powell
        Professor Peter Shane
        Professor Marc Spindelman
        Adjunct Professor & Judge Jeff Sutton
        Professor Daniel Tokaji

The U.S. Constitution is at the foundation of the American legal system. It shapes or influences virtually every other procedural and substantive body of law. As a consequence, the study of constitutional law and theory is an indispensable part of legal education.

BASIC COURSE:

The basic course in Constitutional Law is a requirement in the first-year curriculum. It is designed as an introduction to constitutional doctrine and theory. It attempts to identify the factors that characteristically drive the development of constitutional doctrine. It also attempts to explore the values that constitutional law ought to realize.

ADVANCED COURSES:

There are several upper-level courses that seek to broaden doctrinal and theoretical understanding of the subject matter area. These courses vary from year to year but commonly include courses in the First Amendment, the Fourteenth Amendment, Advanced Constitutional Law, Comparative Constitutional Law, Defamation and Privacy, Separation of Powers, The Law
of Presidential Power, Criminal Procedure, Federal Courts, and Family Law. These courses examine relevant areas of constitutional law in far more depth than occurs during the first-year course. Advanced study also includes courses and seminars on Constitutional Theory, Federalism, Jurisprudence, Justice, Foreign Relations Law, State Constitutional Law, and Supreme Court Litigation. Courses that have jurisprudence as their focus give insight into the values and thought processes that play an important role in constitutional law.

**Related Courses:**

Because constitutional issues appear in virtually every course in the curriculum, a list of related courses cuts across the entire catalogue. There are some courses that should receive priority consideration. They include the Administrative Law course, which explores issues related to the administrative state and its implications for the separation of powers, as well as administrative processes.

Courses on the doctrine and theory of civil rights, gender discrimination, disability discrimination, race discrimination, and employment discrimination are valuable to a specialized study of constitutional law. They explore the statutes, cases, and theories designed to remedy specific problems of groups and individuals facing discrimination.

Finally, other substantive courses like Criminal Law and Family Law are extremely important because much constitutional doctrine is developing in the areas covered.

**Consumer Law**

**Faculty:** Professor Creola Johnson  
Professor Gregory Travalio  
Professor Emeritus Douglas Whaley

**General:**

The practice of Consumer Law can be an interesting and rewarding practice. Over the past 30 years, there has been a veritable explosion of legislation on the federal and state level designed to protect and inform consumers. In addition, the Uniform Commercial Code has many provisions that directly impact on the consumer marketplace. Finally, there have been significant developments in the common law that impact upon consumers' rights and obligations. All of this has combined to make the practice of consumer law one of the most varied and encompassing areas of practice.
**Basic Course:**

The Consumer Law course is a three-hour course that is generally taught once each year. The course is a survey course that covers most of the important state and federal legislation dealing with consumer law. It covers deception (Consumer Sales Practices Act and FTC Act), state and federal regulation of credit and credit sales (Truth in Lending, Equal Credit Opportunity Act, Fair Credit Reporting Act, and Ohio Retail Installment Sales Act), collection practices, quality standards, and other topics as well. While there is not time to cover any subject in great depth, it gives the student an excellent idea of “what's out there” and a basic understanding of the major legislation and common law theories a consumer law practitioner is likely to encounter. In addition, a seminar in Consumer Protection and Non-Conventional Lending is sometimes offered. The seminar covers credit products offered in the “fringe" banking market, such as payday loans, tax-refund loans, and rent-to-own arrangements.

**Related Courses:**

There are no prerequisites to this course, but a person interested in the practice of consumer law should have a strong commercial law background. At a minimum, this should include the Uniform Commercial Code courses in Sales and Secured Transactions. These courses provide the basic legal background for the sale of goods in our economy and are essential for an understanding of more specific consumer legislation. In addition, the course in Commercial Paper is strongly recommended. As a substitute for these courses, a student could take the year-long, six-hour Commercial Law course. The student should also take the basic course in Business Associations.

Students interested in Consumer Law should also take the basic Debtor-Creditor (Bankruptcy) course. This course has become increasingly important to the practice of Consumer Law and, in fact, has become an increasingly important feature of the practice of law generally.

There are a number of other related courses that would prove useful to the Consumer Law practitioner. This is particularly true if one defines consumer law broadly to include those areas important to the average individual in our society, or if the student expects to engage in a small general practice. These would include Federal Income Tax, Banking Regulation and Electronic Commerce, Employment and Discrimination, Employment Law, Insurance Law, Real Estate Transactions, and Remedies.

**Sequencing:**

Ideally, the courses in the Uniform Commercial Code (Sales, Commercial Paper, Secured Transactions) or the Commercial Law course should precede the course in Consumer Law, although this is not essential. The student should at least try to take the courses in Sales and Secured Transactions simultaneously with the Consumer Law course.
All students take Criminal Law as a first-year course. The College's upper-level offerings in this field rank among the most comprehensive of United States law schools. These courses, usually offered annually, include Children and the Law; Criminal Procedure: Investigation; Criminal Procedure: Adjudication; White Collar Crime; Criminal Sentencing and Punishment; Justice for Children Practicum; Criminal Defense Practicum; and Criminal Prosecution Practicum. Seminars are offered in Criminal Law and Procedure; AIDS and the Criminal Law; Race and the Criminal Law; Advanced Sentencing; Death Penalty; Crime and Punishment; International Criminal Law; Comparative Criminal Procedure; Criminal Law Defenses; Criminal Law Theory; and Criminal Law in the Boardroom.

Related courses are Evidence, Professional Responsibility, and Trial Practice. Legislation also provides students with a perspective on drafting that is applicable to parsing criminal laws, while Jurisprudence adds to the Criminal Law discussion of why and what a society proscribes.

The Criminal Procedure courses study questions of constitutional law not covered during the first-year Constitutional Law course, relating to the constitutional rights of persons suspected of, arrested and prosecuted for, and convicted of criminal offenses. Statutory issues governing the adjudication process are covered as well. Children and the Law addresses, among other things, both the substantive law of delinquency and the constitutional rights of minors accused of wrongdoing. The White Collar Crime and the Criminal Sentencing and Punishment courses survey burgeoning areas of the law that receive nearly constant legislative and judicial attention at the federal level.

The Criminal Defense and Criminal Prosecution Practica and the Justice for Children Practicum provide an opportunity for students to engage in representation of the State or a client and apply the lessons of Criminal Law, Children and the Law, and Criminal Procedure. The seminars offer a deeper look at cutting edge issues treated in the core courses.
DISPUTE RESOLUTION

FACULTY: Professor Amy Cohen
      Professor Sarah Rudolph Cole
      Professor Ruth Colker
      Professor Ellen D. Deason
      Professor Chris Fairman
      Professor L. Camille Hébert
      Adjunct Professor James Lawrence
      Professor John Minter
      Professor John Quigley
      Dean & Professor Nancy Rogers
      Associate Dean & Professor Joseph Stulberg
      Professor Charlie Wilson

The field of dispute resolution includes the study of three primary processes for resolving disputes--negotiation, mediation, and arbitration. Variants of these basic processes include summary jury trials, private judging, neutral evaluation, mini-trials, and non-binding arbitration. In negotiation and mediation, the parties and their legal counsel resolve the controversy only if they develop mutually acceptable settlement terms; in arbitration, the neutral third party issues an award to decide the controversy.

The College of Law offers what we believe to be the most comprehensive faculty-taught dispute resolution curriculum among law schools in the United States. Students may pursue their studies in dispute resolution in several ways.

BASIC COURSES:

(1) The Advocate's Role in Dispute Resolution. The basic course, Dispute Resolution Processes: Theory and Practice, provides an overview of each of the primary processes of dispute resolution from the perspective of the attorney advocate -- negotiation, mediation, arbitration and other court-annexed processes such as summary jury trial, early neutral evaluation, and court-ordered arbitration. Students become familiar with these processes through simulation exercises and videotapes. The course also emphasizes the role of advocates in counseling clients about the selection of these processes.

(2) Primary Processes. We recommend that students pursuing the Certificate in Dispute Resolution take a course that focuses on each of the primary processes -- Legal Negotiation, Mediation, and Arbitration. The Negotiation course analyzes competing theories that explain and prescribe strategic and ethical behavior for participant development of mutually acceptable bargaining terms. The basic study of law, policy, and practice of mediation is offered in two formats -- a mediation clinic involving practical experience mediating small claims cases; and Mediation Practicum: Facilitating Resolution of Community Disputes, a mediation clinic
involving practical experience mediating multi-party, complex cases. Students planning to take either Mediation Practicum must ensure that their schedules permit them to spend one afternoon per week, Monday through Thursday, mediating cases. We recommend that students pursuing the Certificate take a Mediation Practicum and a Negotiation course during their second-year, because other courses build on these basic courses. The Commercial and Labor Arbitration course examines federal and state statutory regulation of arbitral systems as they are deployed in both the employment and commercial sectors and involves the student in simulated argument and presentation. ADR in the Workplace and Issues in Arbitration focus on similar topics.

**Advanced Course:**

The course in Advanced Studies in Dispute Resolution is for students who wish to publish a substantial paper that deals in an original way with a major issue in the field and who also want to advance their understanding of various ADR processes. A basic course in one of the primary processes is a prerequisite.

**Seminars, Electives, and Intensive Performance Skills Courses:**

Seminars and courses in a variety of dispute resolution topics are regularly offered but vary on an annual basis. These courses and seminars include Comparative Dispute Resolution, Issues in Arbitration, International Commercial Arbitration, Inter-Ethnic Conflicts, International Dispute Resolution, ADR Ethics, and ADR in the Workplace. Several substantive law courses also incorporate dispute resolution concepts and partial credit towards the Certificate is awarded.

The College also offers one or two credit, intensive performance skills courses over the summer and sometimes during fall or spring breaks. In the past, courses in Representing Clients in Mediation, Facilitating Meetings, and Inter-Cultural Negotiation have been taught. A student may not receive credit for both the one-credit Mediation course and a Mediation Practicum. Similarly, a student may not receive credit for both the one-credit Negotiation course and the Legal Negotiation course offered for three or four credits.

**Certificate in Dispute Resolution:**

The College awards a Certificate in Dispute Resolution to those students who complete a series of courses and public service requirements in addition to other requirements for the Juris Doctor degree.

The requirements for the Certificate are set forth in the Faculty Rules as follows:

**4.02 Certificate in Dispute Resolution.**

The Certificate in Dispute Resolution will be awarded to those students who have successfully completed the requirements for a J.D. degree and also the special requirements listed below for the certificate. The Dean of the College of Law is authorized to select a faculty
member or members who will administer the certificate program. The Dean may also appoint an advisory committee to provide consultation to the faculty administrator on matters relating to the certificate program.

The Certificate Program will be open to all students in good academic standing at the College of Law. Students may apply to the Certificate Program at any time by submitting an application together with a list of planned courses for the Certificate to the faculty administrator.

In order to fulfill the requirements to receive the Certificate, students must: (1) earn 15 semester hours of courses in the College of Law that have been approved as part of the Certificate Program by the faculty administrator and the Associate Dean for Academic Affairs; (2) earn credit for one of the two clinical courses in mediation; (3) earn credit for Advanced Studies in Dispute Resolution; and (4) successfully complete an approved non-credit externship. The following may be counted toward the 15 semester hours required for the certificate: courses listed in (1), (2), and (3) above; and up to 3 credit hours earned as a staff member or editor of the Ohio State Journal on Dispute Resolution.

The externship required for the certificate must be approved by the dispute resolution faculty member who will supervise the externship, by the faculty administrator, and by the Associate Dean for Academic Affairs and must involve a total of 112 hours of work resolving disputes, teaching about dispute resolution, or conducting research and consultation on dispute resolution. The 112 hours of the externship may be done through a single short-term placement or through a series of placements during the summers and/or the student's second and third years at the College of Law.

The Certificate in Dispute Resolution shall be a separate document from the J.D. diploma and a notation regarding the Certificate should be made on the transcript of grades for the J.D. degree in the same manner as the notation for honors is printed.

Students who want to earn the certificate must take one of the clinical mediation courses rather than the one-credit, intensive mediation course. A student may earn externship hours through either paid or volunteer work.

**Related Courses:**

Students whose practice will require using multiple dispute resolution processes in conjunction with court or administrative procedures should consider taking advanced courses such as Pretrial Litigation, Complex Litigation, Federal Courts, Civil Procedure II, and the Civil Law Practicum. Students interested in international transactions should combine their course work in international law and international trade and development with the Multiparty Mediation clinical courses, International Commercial Arbitration, International Dispute Resolution, Comparative Dispute Resolution and the seminar in Inter-Ethnic Conflicts.
The primary dispute resolution processes have gained a particular stronghold in several substantive law areas, including labor and employment, family, education, business, and environmental law. Students are encouraged to take relevant substantive law courses in those areas of special interest.

**EXTRACURRICULAR ACTIVITIES:**

Several extracurricular College activities focus on dispute resolution:

1. The College has published the *Ohio State Journal on Dispute Resolution* for over twenty years. Some students are invited to join the *Journal* based on their performance in their Legal Writing and Analysis Course. In addition, students may enter the *Journal* writing competition during the spring following their first or second year. Each year, approximately thirty students are invited to join the *Journal* staff.

2. Under the College's Public Service Fellows Program, students may volunteer to mediate cases or assist with mediation research.

3. Once a year, the College presents the Stanley Schwartz Lecture on Dispute Resolution; the event features a nationally prominent scholar or practitioner in the dispute resolution field, and the entire College community is invited to attend.

4. Students pursuing the Certificate receive a newsletter about externship opportunities.

5. A student organization related to dispute resolution, the DR Association, was formed in 1999. It sponsors various activities, including a speaker series focusing on careers in dispute resolution.

6. College of Law students regularly volunteer to teach conflict resolution in primary and secondary schools. The program, known as Dispute Resolution & Youth, operates under student leadership.

7. Two College students annually are awarded the Nancy H. Rogers Prize in Dispute Resolution Scholarship for outstanding research papers developed as part of their dispute resolution course work.

8. Second- and third-year students may participate in the ABA's annual Negotiations competition early in the fall semester. The winning teams represent the College at Regional and National competitions and receive one credit hour for successful participation on the College's Interscholastic Negotiation Team.
(9) Second- and third-year students may participate in the College's annual Representation in Mediation Competition early in the spring semester. The winning team represents the College at regional and national competitions, and receives one credit hour for successful participation in the College's Interscholastic Mediation Team.

EMPLOYMENT AND LABOR LAW

Faculty: Professor James Brudney
Professor Martha Chamallas
Professor Sarah Cole
Professor Ruth Colker
Professor L. Camille Hébert
Associate Dean & Professor Joseph Stulberg
Professor Charlie Wilson

General Statement:

This grouping is for students interested in the regulation of workplace relationships. From the standpoint of a typical individual, the law structures the entire employment life cycle: starting with child labor statutes and running through age discrimination and pension laws. During this life cycle, the law has something to say on nearly every issue arising out of the employment relationship--wages, hours, fringe benefits, safety and health, job security, discrimination, and employee privacy.

The courses described here are important both for general legal education and for more specialized professional pursuits. They would be especially appropriate for those interested in representing unions, individual workers, private employers, governments and government agencies, or public interest organizations active in the field.

Basic and Advanced Courses:

The core courses are (i) Labor Law; (ii) Employment Law; and (iii) Employment Discrimination Law. All three core courses deal with fundamental aspects of the law relating to the workplace, and students who expect to work in the field should take all three. At a minimum, we recommend that interested students consider both federal regulation of labor-management relations (Labor Law) and the regulation of relations between employers and individual employees (Employment Law or Employment Discrimination Law).

Labor Law addresses the relationship between employers and workers who act collectively through a labor union. The course explores federal statutory protections accorded to workers when they engage in concerted activity to secure or improve their terms and conditions of employment; it also examines the rights and responsibilities of employers in responding to these
activities.

Employment Law covers state and federal regulation of terms and conditions of employment. The course deals with issues that often arise at early stages of employment (such as information-gathering, testing, and regulation of expression on the job); issues involving termination of employment (including recent erosions of the employment-at-will doctrine and plant closings); and issues involving safety and health as a condition of employment (notably worker's compensation and the federal Occupational Safety and Health Act).

Employment Discrimination Law covers the laws protecting employees from "status" discrimination--discrimination based on race, national origin, religion, gender, age, disability, and sexual orientation. The course addresses federal protections involving each of these areas, including Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans With Disabilities Act, and the Reconstruction Era Civil Rights Act.

Advanced course offerings include Professor Colker's course in the Law of Disability Discrimination, Professor Hébert's seminar on Sexual Harassment, Professor Cole’s course in Commercial and Labor Arbitration, and Professor Brudney's seminars on Age Discrimination in the Workplace and Comparative Labor Law and Employment Law (the latter focused on developments in Britain and the European Community).

**RELATED COURSES:**

Administrative Law provides helpful background in understanding the workings of federal agencies such as the National Labor Relations Board and the Equal Employment Opportunity Commission. Antitrust Law may provide useful perspectives for Labor Law -- each regulates collective action, although with distinct goals in mind. The First Amendment course involves exposure to specific workplace-related subjects in a different context. Sports Law deals with one specialized application of Employment Law. Alternative Dispute Resolution courses and the course on Privacy are also increasingly relevant to employer-employee relations.

**ENVIRONMENTAL LAW**

**Faculty:** Professor Annecoos Wiersema

Our environmental law offerings are:

(1) Environmental Law (732) is a survey course of U.S. environmental law, covering topics including environmental assessment, clean air, clean water, waste management, and endangered species. We also examine questions of how best to regulate, the role of citizens in environmental protection and law, the values, science, and policy that influence environmental law, and new approaches to environmental regulation and law. There are no pre-requisites for
(2) Land Use Planning Law deals with zoning, subdivision controls, and an introduction to municipal planning, with emphasis on regional planning. Environmental matters are integral to land use regulation.

(3) International Environmental Law addresses the major environmental concerns facing the international community and how they have been dealt with by international treaty and customary international law. Topics include climate change and protection of the atmosphere, biodiversity and species extinction, ocean protection, waste management, and trade and the environment. We also explore some of the founding principles and emerging themes in international environmental law, such as permanent sovereignty over natural resources, issues of equity among developed and developing countries, sustainable development, and the role of technology transfer.

(4) Natural Resources Law deals with hard rock mining, water law, and the relationship of oil and gas law. The course offers a general review of property, contract, and tort law. This course is also sometimes offered in a seminar format.

Beyond these courses, the faculty interested in Environmental Law have urged students considering a career in environmental law to take courses in Administrative Law, Federal Courts, and Debtor-Creditor Law, as well as acquiring a well-rounded training in practice, evidence, business associations. They might also consider real estate courses and negotiation and mediation courses. Environmental Law is a subject-matter that crosses the entire law curriculum. Occasionally, graduate courses at the University are also available for law students in the School of Natural Resources, College of Agriculture, the Department of City and Regional Planning, and the College of Engineering.

**HEALTH LAW**

**Faculty:** Professor Ellen Deason  
Adjunct Professor Todd Guttman  
Adjunct Professor Marya Kolman  
Professor Stanley Laughlin  
Professor Marc Spindelman

**Basic Course:**

Health Law. Health Law offers a basic introduction and overview of the legal regulation of health care delivery system of the United States. Among other things, the course examines: the legal rules governing the physician-patient relationship; the formal organization and duties of health-care entities; and the rules about access to health care services. A considerable part of the
class is spent discussing the policies behind these “black letter” rules. The course should be of interest to students who are (or might) consider practicing in the Health Law arena, and to students who are interested in developing an understanding of the policies underlying current health law rules.

**RELATED COURSES:**

Students interested in health law issues may also consider the following courses

- AIDS and the Criminal Law (offered periodically by Professor Davies)
- Bioethics (offered by Professor Spindelman)
- Interprofessional Ethical Issues (offered by Professor Laughlin through the Interprofessional Program)
- Interprofessional Care of the Patient/Client (offered by Adjunct Professor Kolman through the Interprofessional Program)
- Interprofessional Case Competition (1-credit team project offered as an independent study in conjunction with the Interprofessional Program)
- Insurance Law
- Law & Genetics (offered periodically by Professor Deason)

Cross-registration options: Health Law students may wish to consider registering for courses in health policy or management in the Hospital and Health Services Administration Program. Courses of potential interest include:

- 800 Health Care Organization and Finance
- 802 Economics of Health Care Policy
- 805 Health Care Policy Analysis

Students may also want to register for courses coordinated through the Office of Geriatrics and Gerontology, such as the following:

- Health Services Mgt & Policy 840  Long-Term Care Policy
- Psychology 887A  Counseling Older Adults
- Social Work 695.14  Aging

Some students will enter the joint JD-MHA program, which allows students to obtain both a Juris Doctor and a Masters in Health Administration degree in four years. Students with questions about the dual degree program should see the Associate Dean for Academic Affairs.

**COMMENTARY:**

Representation of health care institutions and health care professionals, consumers, and regulators requires a broad knowledge of law and the ability to apply it to a particular industry.
The Health Law course serves as an introduction to the health care industry and to legal issues peculiar to it. A student hoping to practice in health law, however, should also obtain a general legal education, considering, in particular, courses in Administrative Law, Antitrust Law, Dispute Resolution, Employment Law, Business Associations, and Tax Law.

**INTELLECTUAL PERSPECTIVES ON LAW**

**Faculty:** Professor Martha Chamallas  
Professor Daniel Chow  
Professor Ruth Colker  
Professor Joshua Dressler  
Professor Edward Foley  
Professor Steven Huefner  
Professor Stanley Laughlin  
Professor Deborah Merritt  
Associate Dean & Professor Kathy Northern  
Professor John Powell  
Professor Peter Shane  
Professor Marc Spindelman  
Associate Dean & Professor Joseph Stulberg  
Professor Gregory Travalio  
Professor Vincene Verdun

There are a wide variety of intellectual perspectives one can bring to the study of law. History, philosophy, psychology, economics, sociology, and anthropology are among the many disciplines that have contributed to our society's understanding of its legal system. Similarly, one can employ the insights gleaned from studying the legal systems of different cultures -- or from studying our own legal system from distinctive cultural perspectives (e.g., race or gender) -- in order to gain a deeper understanding of the law.

The faculty of the College of Law considers it important that all students enrich their legal education by studying the law from at least one of these intellectual perspectives. Indeed, because there are so many different intellectual perspectives from which to gain insight upon the law, students are well-advised to explore the law from several of these various perspectives.

Moreover, students should not be misled into thinking that these intellectual perspectives are merely "academic" and therefore unrelated to the practice of law. Excellence in the law almost always requires an understanding of the intellectual currents that run beneath the law's surface—currents that bubble up to the surface whenever a particular area of law becomes unsettled. Moreover, all well-taught jurisprudential offerings aim to show the connections between the theoretical and the practical.
Because of the large variety of intellectual perspectives, there are many such courses and seminars that students may choose. Among them are the following: Advanced Courses in International and Comparative Law, Anthropology and the Law, Bioethics, Criminal Law Defenses, Criminal Law Theory, Criminal Punishment and Sentencing, Critical Race Theory, Family Law, Feminist Legal Theory, Gender and the Law, Jurisprudence, Justice and Law, Law and Economics, Law and Psychology, Law and Social Science, and Legal History.

Students may also become regular participants in informal interdisciplinary workshops scheduled over the occasional lunch hour by becoming student members of the Center for Interdisciplinary Law and Policy Studies. Students interested in becoming members should simply share their interest with a faculty member and ask to be nominated; the Center routinely accepts as members all students nominated by faculty. Editors and staff of I/S: A Journal of Law and Police for the Information Society become members of the Center automatically.

INTELLECTUAL PROPERTY

Faculty: Professor Douglas Berman
Professor Daniel Chow
Professor Edward Lee
Adjunct Professor Richard Mesche
Professor Peter Swire

What has been called the law of intellectual property is concerned with the nature and extent to which the law protects the product of intellectual labor. In broad terms, we deal with the interface between creativity and property; that is, the property rights vested in the creator of an intellectual work.

Traditionally, the subject has had three principal subdivisions: Copyright law; Patent law; Trademark law (and its related law of unfair competition).

Copyright is concerned with original, creative expression in all of its embodiments. Thus, the law of copyright deals equally with the rights of the fine artist, the graphics artist, the designer of decorative labels, the composer of a symphony, the composer of a commercial jingle, the motion picture producer, the computer programmer, and anyone who purports to have been the creator of an original work. The purpose of the law of copyright is to delineate the rights of such a creator and, concomitantly, the rights of the public at large, with respect to that work.

Patent law deals, essentially, with invention: the rights of one who creates something new. Its concern is with determining the scope of the respective rights of the creator of the invention and others who seek to build upon it.

The law of trademark, intimately entwined with the law of unfair competition, deals with
the rights that follow from the use of distinctive creative "signs" in connection with the use of goods and services that distinguish the source of those goods and services.

More indirectly related to intellectual property issues are matters such as the rights of privacy and publicity, which deal with the interest an individual may have in the use or value of his or her persona.

Although there are several areas of intersection among these three general divisions, each can be treated separately and each derives from separate sources. So too each generally supports different kinds of professional activity. Thus, for example, areas of practice with concentrations as diverse as entertainment matters and computer program development and licensing would be heavily involved with copyright issues, while highly technical, engineering oriented practices would focus on patent law.

We offer Introduction to Intellectual Property, which provides a broad survey of the various federal and state means of protecting intellectual property, including copyright, trademark, and patent. We regularly offer a course devoted to Copyright Law and a course on Trademark and Unfair Competition. The course in International Intellectual Property examines the treatment of patents, copyrights, trademarks, and trade secrets under various national and international legal regimes. In addition, a course in Patent Law has been regularly offered. We also offer, on a rotating basis, two advanced patent law classes: Patent Prosecution and Patent Litigation, open only to those who have taken Patent Law. We also offer seminars devoted to intellectual property issues, such as Problems in Intellectual Property.

A course on the Law of Cyberspace also covers a number of intellectual property topics.

**INTERNATIONAL, COMPARATIVE, AND FOREIGN LAW**

**Faculty:** Professor James Brudney  
Professor Sanford Caust-Ellenbogen  
Professor Amy Cohen  
Professor Daniel Chow  
Professor Ellen Deason  
Professor Edward Foley  
Professor Stanley Laughlin  
Professor Edward Lee  
Professor John Quigley  
Professor Peter Swire  
Adjunct Professor Stefan Talmon  
Professor Annecooes Wiersema

Public International law principally includes the rules that govern the relations among states
in order to create order, prevent war, and facilitate cooperation. It also covers the main
organizations of the international community, especially the United Nations. The basic
International Law course contains materials that are important for every lawyer no matter where
he or she intends to practice and is recommended to all students, especially during the second
year. For those with a more serious interest in international law, a selection from a wide variety
of offerings is available annually. The International Law Seminar and Human Rights Law are
recommended in the second or third year. (Note that, in order to take Human Rights Law, a
student must have taken either International Law or International Dispute Resolution). The U.S.
positions on international law, especially as they affect the conduct of foreign relations, and the
respective roles of the three branches of the U.S. Government in this field are covered in a course
taught by Professor Laughlin entitled Foreign Relations. Professor Wiersema's course in
International Environmental Law covers the major environmental treaties and customary
international law as these relate to international environmental concerns. Professor Cohen's
course in International Dispute Resolution exposes students to the nonbinding (negotiation,
mediation, fact-finding, conciliation) and binding (arbitration and adjudication) methods of
resolving international disputes. Professor Quigley's seminar, Inter-Ethnic Conflict Resolution,
examines dispute resolution issues in the context of ethnic conflicts. A seminar on International
Criminal Law and a course on Comparative Dispute Resolution are offered periodically.

The enormous expansion and diversity of transactions, especially business deals, taking
place across national frontiers has stimulated the study of what may be called "private"
international law, meaning mostly domestic law and procedure as it applies extraterritorially and
to foreign persons. The transnational application of rules is controlled or dictated by international
treaties such as GATT. The basic course in this field, International Business Transactions, has no
prerequisites. International Intellectual Property is a specialized course that examines the
minimum standards for intellectual property protection established by the Agreement on Trade
Related Aspects of Intellectual Property (TRIPs) for all members of the World Trade
Organization (WTO). The prevalent method of resolving disputes that arise out of transnational
business relationships is international arbitration, which operates at the intersection of contract,
national law, and international treaty and is examined in Professor Deason’s International
Commercial Arbitration.

Professor Swire's course on Data Privacy and Cyberspace also has an international
dimension in its examination of the European approach to data privacy as well as regulation of
transborder data flows.

Offerings on comparative and foreign law include Professor Deason’s Comparative Dispute
Resolution, Professor Chow's seminar in Chinese Business Law and Professor Brudney's
seminars on Comparative Legislation and Comparative Labor Law and Employment Law, as well
as the seminars on Comparative Criminal Procedure and Law in Africa. These courses not only
offer insights into the nature of law and into alternative ways of addressing legal questions but
also provide useful information for transactions that transcend national frontiers.
It is also important to reference our Semester Study-Abroad and our Summer Program at Oxford, England, which consist of specialized comparative and international law courses. Students may also enroll at other summer programs abroad.

Finally, attention should be called to offerings such as Jurisprudence which inevitably studies the law in a global perspective and American Legal History and Comparative Legal History, which do the same thing.

This description of international law would not be complete without reference to the very prestigious and important International Moot Court Competition (Jessup), which takes place at the intramural, regional, and international levels beginning in September and ending in April. Our College has been fielding a team for more than twenty years and we have been doing quite well. International Law must be taken no later than Autumn of the third year by students participating in that competition.

**Certificate in International Trade and Development:**

The College offers a Certificate in International Trade and Development. The requirements for the Certificate are set forth in the Faculty Rules as follows:

**4.01. Certificate in Legal Issues in International Trade and Development.**

The Certificate Program in Legal Issues in International Trade and Development at the College of Law offers specialized legal and interdisciplinary training to law students interested in international trade and development. Upon graduation, students who have successfully completed the Certificate Program requirements will receive, in addition to the J.D. degree, a Certificate from the College of Law certifying that they have completed a course of study in international trade and development.

The Certificate Program shall be open to all students in good academic standing at the College of Law. Students may apply to the Certificate Program in the second semester of their first year by submitting an application to the faculty member or members administering the program. The faculty administrator also shall have the discretion to accept applications from law students who have already completed their first year of study. The Dean of the College of Law is authorized to select the faculty member or members who will administer the Program. The Dean may also appoint an advisory committee that will provide consultation on matters relating to the Certificate Program.

In order to fulfill the requirements of the Program, students must complete the equivalent of 30 semester hours of course work. Fifteen of these semester hours must be completed within the
College of Law and the equivalent of 15 semester hours (22 quarter hours) shall be completed in other departments and colleges at Ohio State University. All of such course work shall be completed with the consultation and approval of the faculty member administering the program.

Students must complete 15 semester hours of College of Law course work, which must include a core course on International Trade and Development. Each student’s additional law school courses shall be chosen from among a selection of courses relating to international trade and development approved by the faculty administrator in conjunction with the College of Law’s Academic Affairs Committee. The 15 semester hours of course work completed by students within the College of Law will concomitantly satisfy the requirements toward the J.D. degree.

Students must also complete the equivalent of an additional 15 semester hours (22 quarter hours) beyond what is required for the J.D. degree by completing course work outside the College of Law. With the prior consent of the faculty administrator and the Associate Dean for Academic Affairs, students may receive up to 5 semester hours of credit toward the J.D. degree for courses completed outside the College of Law. Otherwise, the 22 quarter hours completed outside the College of Law shall not be used to concomitantly satisfy the requirements for the J.D. degree and except for satisfying the Certificate Program requirements, no additional law school credit shall be given to any of these hours outside the College of Law. Ordinarily, 7 semester hours (10 quarter hours) shall be devoted to the study of a foreign language. With the consent of the faculty administrator, students may compete as many as 10 semester hours (15 quarter hours) of language study in satisfying the course work requirements outside the College of Law. In order to receive credit toward the certificate program for a non-law course completed outside the College of Law, the student must receive a grade of B- or above.

The Certificate in Legal Issues in International Trade and Development shall be a separate document from the J.D. diploma and shall also be entered on the transcript of grades for the J.D. degree in the same manner as the notation for Honors is printed.

LEGISLATION

Faculty: Professor Douglas Berman
Professor James Brudney
Professor Sanford Caust-Ellenbogen
Professor Ruth Colker
Clinical Professor Terri Enns
Professor Steven Huefner
Associate Dean & Professor Donald Tobin
Professor Daniel Tokaji

A large part of the work done by lawyers involves drafting, enforcing, implementing, interpreting, and litigating about statutes. In addition, many lawyers deal regularly with
A knowledge and appreciation of the legislative law-making process is not only a prerequisite to working with legislative bodies but an important aid in working with statutes, ordinances, and regulations. Moreover, a lawyer's knowledge of legal remedies must include that which might be called the legislative remedy.

Legislation, as a subject of study in law school, does not present itself as a coherent body of law, information, or processes. Rather, it generally combines a mix of knowledge and ideas, such as constitutional law, legislative rules and procedures, political philosophies and traditions, statutes as a source of public policy, statutory drafting, and statutory interpretation. Inevitably, all courses offer some parts or pieces of this subject, but legislation is the focus of study in three courses offered in the curriculum.

**Basic Course:**

Legislation: The basic three-hour course in legislation is required for all first-year students. The course covers theories and models of representative and legislative processes, the role of statutes as a source of public policy, and statutory interpretation, including both theoretical approaches and practical applications.

**Advanced Offerings:**

Legislation Clinic. In recent years, one consequence of the desire to downsize national government and to revitalize principles of federalism is that state legislatures now have on their plate many of our most complex social problems. Law students can help Ohio legislators to analyze potential legislative issues, examine how other states have sought to address those issues, and develop statutory and other responses that are appropriate for our state. The Legislation Clinic will help law students to appreciate the importance of legislative lawyering as they develop their own skills in this arena. By observing and participating with others working in areas such as policy analysis, information-sharing in a partisan context, and negotiation among multiple parties, law students will better understand why these skills matter. This course includes both a classroom component and a fieldwork component in government offices around the Ohio Statehouse. The course is offered each semester and although it is a practicum it is open to second-year students.

Comparative Legislation Seminar: This two-hour seminar examines issues of legislation process and statutory interpretation from a comparative perspective. Using the U.S. federal system as a baseline, the course includes materials from the British, Canadian, and South African systems.

Legislation and Separation of Powers Seminar: This two-hour seminar examines how each branch of government contributes—and should contribute—to the meaning of federal statutes. Topics covered are drawn from three general areas: the role of the courts; the powers wielded by
agencies; and congress's capacity to influence the interpretive process. Certain constitutional implications also will be explored.

**LITIGATION THEORY AND PRACTICE & EVIDENCE**

**Faculty:** Professor Michelle Alexander  
Professor Mary Beth Beazley  
Professor Sanford Caust-Ellenbogen  
Adjunct Professor John Chester  
Professor Amy Cohen  
Professor Sarah Rudolph Cole  
Professor Sharon Davies  
Professor Ellen Deason  
Professor Christopher Fairman  
Professor David Goldberger  
Professor Arthur Greenbaum  
Adjunct Professor & Judge Terence Kemp  
Professor Deborah Merritt  
Professor John Minter  
Associate Dean & Professor Kathy Northern  
Professor Ric Simmons  
Associate Dean & Professor Joseph Stulberg  
Professor Gregory Travalio  
Professor Charlie Wilson

**A. In General**

Litigation refers to the use of the procedures and mechanisms designed to resolve civil disputes using courts. Mastery of litigation theory and practice is essential for trial lawyers and litigators. It would be misleading and inaccurate, however, to suggest that knowledge of litigation theory and practice is relevant only to litigators and trial lawyers. Much of the work of all practicing attorneys is shaped by the litigation process. The good corporate, tax, family, or estate lawyer provides legal services and advice that take into account the litigation consequences of their clients' actions. Thus, documents are drafted and negotiations are conducted with an eye to avoiding future litigation and to generate a favorable record for the client should a legal dispute arise in the future. If a dispute should arise, most efforts at dispute resolution take place in the shadow of possible litigation, with the outcomes of "alternative" dispute resolution techniques influenced by the likely consequences of litigation.

Like much of legal practice, litigation combines theory with craft. The College's offerings reflect the wide range of knowledge and skills that contribute to the development of a good litigator. The Civil Procedure I and Civil Procedure II courses provide a basic grounding in the
role of courts in resolving disputes and in the procedures employed in litigation, especially with regard to pretrial procedure. The course in Evidence provides an essential complement to Civil Procedure, focusing on the nature of legal proof and on the development of a factual record at trial. Virtually all students should take these courses, as they provide grounding in civil practice that will be valuable in almost all areas of legal practice.

Students who wish to concentrate their studies in this area should select a sequence of courses that covers both the theory and practice of litigation. Most basic are Conflict of Laws and Federal Courts, which explore a variety of interesting and intricate issues concerning choice of law and the role of courts and the mechanisms by which courts resolve legal disputes. Courses such as Legal Negotiation, Dispute Resolution Processes: Theory & Practice, Mediation, Pretrial Litigation, and Trial Practice explore in detail the theory and practice of particular aspects of litigation. Advanced Legal Writing gives students practice in drafting documents effectively so that they may avoid litigation and in creating effective analytical documents to make needed litigation successful. Finally, clinical offerings provide the opportunity to combine theory and practice in the context of resolving active legal disputes and moot court provides a co-curricular avenue for learning skills.

Advanced seminars in Evidentiary Issues in Trial Practice offered in both semesters by two federal judges are also options.

B. CLINICAL COURSES AND TRIAL PRACTICE

Faculty: Professor Amy Cohen
Professor Sarah Cole
Clinical Professor Elizabeth Cooke
Professor Ellen Deason
Professor Katherine Federle
Professor David Goldberger
Clinical Professor Robert Krivoshey
Clinical Professor Angela Lloyd
Adjunct Professor & Judge Algenon Marbley
Professor Deborah Merritt
Adjunct Professor James Phillips
Adjunct Professor Frank Ray
Dean & Professor Nancy Rogers
Adjunct Professor & Judge Edmund Sargus
Professor Ric Simmons
Associate Dean & Professor Joseph Stulberg
Professor Gregory Travalio
Adjunct Professor Sam Weiner
Adjunct Professor Nicole Wilkinson, Director Student Housing Clinic
Adjunct Professor David Winters
The College of Law Clinical Programs offers courses designed to teach basic lawyering skills. The courses include clinics in which students represent clients or mediate cases under the supervision of Clinical Programs faculty. They also include classroom-based courses in which client representation and litigation are taught by classroom simulations of the various phases of litigation. These courses are valuable to all students because they provide substantive skills-related learning opportunities in a supervised setting that is not generally available after graduation.

**Course Offerings:**

1. *The Civil Practicum* - This course is a traditional teaching clinic in which students represent clients in civil cases while supervised by a member of the Clinical Programs faculty. This course is open to third-year students who have accumulated a sufficient number of credits to quality for a legal intern certificate issued by the Ohio Supreme Court. The course is offered each semester.

2. *The Mediation Practicum and Seminar* - This course provides students with an opportunity to learn mediation skills. It combines classroom instruction in mediation with opportunities to serve as a mediator in cases pending in the Columbus municipal courts. The course is offered each year.

3. *The Multiparty Mediation Practicum* - This course provides students with an opportunity to learn mediation skills for multiparty cases. It combines classroom instruction with opportunities to co-mediate a large dispute in the community. The course is offered approximately every other year.

4. *The Criminal Defense Practicum* - This course is a traditional teaching clinic in which students represent clients who are being prosecuted in misdemeanor cases. The representation is supervised by Clinical Programs faculty. It is open to third-year students who are eligible for a legal intern certificate issued by the Ohio Supreme Court. The course is offered each year.

5. *The Criminal Prosecution Practicum* - In this course, Clinic Programs faculty and students who have legal intern certificates are appointed as special prosecutors in Delaware, Ohio. They prosecute misdemeanor defendants. This course is offered each year.

6. *The Justice for Children Practicum* - In this course, students, under the supervision of Clinical Programs faculty, represent children who are being prosecuted for misdemeanor delinquency, traffic, and unruly offenses in the juvenile courts. Students also may represent children who have been identified by the state as abused, neglected, or dependent. This course is open to third-year students who are eligible for a legal intern certificate issued by the Ohio Supreme Court. The course is offered each year.
7. **Student Housing Legal Clinic** - This is a paid clinic rather than a class for credit. This clinic represents tenants in disputes with their landlords. The services of the clinic are available to all OSU students. Law students working at the clinic will have the opportunity to interview clients and draft a variety of legal documents. Third year students who are certified as legal interns are also able to represent clients in court.

8. **Legal Negotiations** - In this course, basic negotiation skills are taught by readings about and simulations of negotiations. The readings and class lectures explain the theory and practice of negotiations. Students in the course are assigned problems to be resolved by negotiating with other members of the class. This course is offered as a three- or four-hour course during the regular year.

9. **Dispute Resolution Processes: Theory & Practice** - This course surveys dispute resolution processes using simulation exercises with an emphasis on counseling clients in the selection of appropriate processes.

10. **Trial Practice** - In this course, students are taught how to try a case before a judge and jury. During the course, students are assigned tasks regularly performed during the trial of a case. The problems include opening and closing argument, direct and cross examination, and introduction of documents. The final assignment in the course is to represent a client in a simulated trial of the case.

11. **Pretrial Litigation** - In this course, students cover the planning, analysis and strategy of pretrial litigation, including such topics as interviewing, motion practice and discovery.

Advanced courses in legal writing, legal research, mediation, arbitration, and interviewing and counseling are offered as electives. In addition, one-credit intensive courses in Representing Clients in Mediation, Depositions, Motion Practice, and Jury Selection are offered for a one- or two-week period during summer session or other breaks. Students may also obtain a clinical experience over the summer representing civil, criminal, and juvenile clients.

C. **Moot Court and Lawyering Skills Competitions Program**

**Faculty:** Professor Mary Beth Beazley  
Director Anne Doyle  
Adjunct Professor Robert Solomon  
Adjunct Professor & Judge Jeffrey Sutton

During the first semester of their second year, all students must participate in the moot court program by satisfactorily completing Appellate Advocacy I. In Appellate Advocacy I, students
write an appellate brief under the supervision of Professor Beazley and practicing attorneys. Students then argue their case before panels of judges, which may include faculty members, practicing attorneys, and third-year students.

Appellate Advocacy I is required of all second-year students. Students receive two semester hours credit; the course is fully graded and is used in the computation of the student's grade point average.

Second- and third-year students also have an opportunity to gain experience in a variety of lawyering skills by competing in the various intramural and interscholastic lawyering skills competitions administered by Adjunct Professor and Director Anne Doyle, Director of the Moot Court and Lawyering Skills Program, who is assisted by the Lawyering Skills Governing Board. The Governing Board consists of a Chief Justice and Associate Justices for Intramural and Interscholastic Competitions, Intercollegiate Teams, the Herman Moot Court Competition, and Judges. Board members are selected by the Director during the spring of their first or second year and receive two credit hours for successful completion of their responsibilities. First-year students are selected by the Board to serve as clerks.

Following the mandatory Appellate Advocacy I course, further participation in lawyering skills competitions is voluntary. Appellate Advocacy II is an intramural moot court competition (also known as the Herman Moot Court Competition) in which students may participate during the second semester of their second year by writing an appellate brief and arguing a number of rounds, culminating for the four finalists in a showcase argument before a prestigious panel of judges. Second-year students receive one hour of credit for successfully completing Appellate Advocacy II.

Appellate Advocacy II is also used to select the students who will compete during their third year in national interscholastic moot court competitions. The College of Law currently participates in the following national moot court competitions: Frederick Douglass, Environmental Law, Juvenile Law Moot Court, ABA National Appellate Advocacy, National Moot Court, Health Law, Jessup International Law, Wagner Labor Law, and Civil Rights and First Amendment. All team members must be selected through participation in Appellate Advocacy II and receive one credit hour upon approval of the team's faculty advisor. The non-seminar writing requirement may be satisfied for members of interscholastic moot court teams upon certification by the team's faculty advisor. Students who compete in the national moot court competitions are also required to take Appellate Advocacy III, a one-credit course taught by Adjunct Professor and Judge Jeff Sutton.

The Lawyering Skills Competitions Program also conducts an intramural trial advocacy competition during the spring to select members of the College's national interscholastic trial advocacy teams. The College currently participates in the National Mock Trial Competition and the ATLA National Student Trial Advocacy Competition. Members of the National Mock Trial team must be third-year students, who are selected during the spring of their second year. Both
second- and third-year students may be on the ATLA Student Trial team. Members of these teams may also receive one credit upon approval of the team's faculty advisor.

During the spring, the Lawyering Skills Competitions Program will conduct an intramural trial advocacy competition at the Franklin County Common Pleas Court. All third-year students who have not participated on an interscholastic trial advocacy team are eligible to participate. The competition will be judged and critiqued by prominent trial lawyers and judges. This competition will enable third-year students to hone their trial advocacy skills shortly before their graduation. Finalists receive a variety of awards and prizes.

The Lawyering Skills Competitions Program also conducts the Lawrence Negotiation Competition during the fall and a Representation in Mediation Competition during the spring for second- and third-year students to select students for the College's interscholastic negotiation and mediation teams. Team members may receive one credit hour upon approval of the team's faculty advisor.

PROFESSIONAL RESPONSIBILITY/LEGAL PROFESSION

FACULTY: Adjunct Professor Jon Coughlin
        Professor Christopher Fairman
        Professor Arthur Greenbaum
        Professor Stanley Laughlin
        Professor Emeritus Morgan Shipman
        Professor Peter Swire

RELEVANCE:

Every prospective lawyer needs a solid grounding in the rules that will govern his or her professional conduct. As a lawyer, you will be expected to act in accordance with the highest professional standards. The courses in the professional responsibility curriculum are designed to help you meet those expectations. In addition, systematic exposure to the ethical and jurisprudential problems that lawyers confront will help you resolve those dilemmas when you encounter them after law school.

For some, the course offerings in this area also may serve as the basis for a career involving professional responsibility matters. Some lawyers work extensively in state disciplinary systems, either as paid employees or as volunteer members of local grievance committees. Others, in private practice, represent clients on professional responsibility and attorney malpractice matters. Within a law firm or corporation, individuals may be called upon to counsel those in the entity on ethical issues that arise in their practice.

COURSE OFFERINGS:
Each student is required to take the Legal Profession course or the Professional Responsibility course or seminar, or an equivalent, as a prerequisite to graduation. The Professional Responsibility and Legal Professions courses provide a comprehensive study of the many ways in which we regulate lawyer conduct. These courses are taught on a national level and stress the interplay of these rules on factual circumstances and dilemmas that face lawyers on a day-to-day basis in all areas of practice. The Professional Responsibility and Legal Professions courses are not the extent of our offerings in the area, however, and students are encouraged to consider other offerings in addition to that course.

Ethics is a direct focus of three other courses in the curriculum. The Interprofessional Education - Ethical Issues offering (700.03) allows students to look at common ethical issues that cut across various professions and to compare and contrast the differing ways in which the professions seeks to resolve them. The University of Oxford--Ohio State University Summer Law Program typically offers a course in Comparative Legal Professions, which takes a comparative law approach to professional responsibility issues. ADR Ethics explores in a seminar format the intersection of ethical rules and their unique application in various dispute resolution processes. This course may be particularly useful to those students pursuing the Dispute Resolution Certificate.

It also is important to recognize that issues of ethics and professional responsibility do not exist in a vacuum. Rather, they arise in the context of addressing specific issues of substantive and procedural law. For example, the disclosure necessary to obtain client consent to waive a conflict of interest may be very different to authorize the joint representation of husband and wife for estate planning purposes than to permit the joint representation of criminal co-defendants. Further, a lawyer's ethical responsibilities may differ by the role the lawyer is called upon to play as counselor or advocate, as private practitioner or public official. Precisely because a lawyer's ethical responsibilities may differ by the role he or she plays and because different kinds of concerns are more likely to arise in some areas of practice than others, issues of ethics and professional responsibility are not limited to courses so labeled. Rather, they can be richly explored, in varying degrees, in every course you take in law school.

Nevertheless, there are some courses in which these issues are likely to arise more frequently or which provide background more directly relevant to the area as a whole. Such courses are recommended for those particularly interested in professional responsibility matters.

One such area is clinical education (course numbered 738). When dealing with actual clients, ethical and professional responsibility issues inevitably arise. The immediacy of the context often makes them particularly compelling. Many believe such courses provide the best forum for addressing ethics and professional responsibility matters.

Also of relevance are offerings in Jurisprudence (620) and Legal Philosophy. These courses explore basic issues of justice, law, and ethics. They provide a theoretical underpinning for the study of ethics in a broader sense.
**Sequencing:**

There is no consensus on when the core Professional Responsibility or Legal Profession course or seminar should be taken. Some believe it should be taken early in a law student's education—during the second year—to help the student identify and meaningfully discuss the ethical issues that arise in other courses. Others believe that exposure to the core course too early might lead one to adopt an overly narrow and rule-bound view of the lawyer's role and responsibilities. Some believe the core course is best taken either in conjunction with or after a clinical experience or employment outside the law school. This is predicated on the belief that experience representing actual clients provides an important context from which to view the lawyer's ethical responsibilities.

A multi-state ethics examination, the Multistate Professional Responsibility Examination (MPRE) is given three times a year, and students often try to complete this course prior to taking that examination.

With respect to the other courses mentioned, Ethical Issues might best follow or be taken concurrently with the basic course, but again that is not required. No special sequencing of Jurisprudence or Legal Philosophy with the Professional Responsibility or Legal Profession courses or seminar is recommended.

Students who plan to seek admission to the bar in states other than Ohio may want to determine the specific requirements of those states with respect to a course in Professional Responsibility or ethics.

**PROPERTY AND REAL ESTATE**

**Faculty:**  Professor Michael Braunstein  
  Adjunct Professor Nicole Wilkinson, Director of Student Housing Clinic  
  Professor Daniel Chow  
  Professor Amy Cohen  
  Senior Lecturer in Law Rick Daley  
  Professor Allan Samansky  
  Professor Annecoos Wiersema

The course in Property is a mandatory part of the first-year curriculum for all students. The course is a survey designed to explore the concept that “property” is not a thing, but rather “denote[s] legal relations between persons with respect to a thing.”

In the upper-level curriculum, a number of courses build on this foundation with regard to Real Estate. These include Real Estate Transactions, Real Estate Finance, Real Estate
Development Law, Landlord-Tenant Law, Land Use Planning and Government Regulation and Eminent Domain. Other groups of upper-level property classes are discussed in the Intellectual Property and Wills, Trusts and Estates sections of this guide. A related course in the upper-class curriculum, in addition to those groups, that may be of particular interest to the property law practitioner is Environmental Law.

PUBLIC INTEREST LAW & LEADERSHIP

Faculty: Professor Douglas Berman  
Professor Sarah Cole  
Professor Ruth Colker  
Clinical Professor Elizabeth Cooke  
Professor Sharon Davies  
Professor Joshua Dressler  
Professor Katherine Federle  
Professor David Goldberger  
Professor Emeritus Lawrence Herman  
Professor Garry Jenkins  
Clinical Professor Robert Krivoshey  
Adjunct Professor James Lawrence  
Professor Alan Michaels  
Professor John Quigley  
Dean & Professor Nancy Rogers  
Professor Ric Simmons  
Associate Dean & Professor Joseph Stulberg  
Professor Emeritus Gregory Travalio  
Adjunct Professor Nicole Wilkinson, Director of Student Housing Legal Clinic  
Professor Charlie Wilson

The College of Law's curriculum offers many opportunities for the aspiring public interest law attorneys. Of course, public interest work is possible in almost all substantive legal fields, so there are few, if any, courses that might not be relevant to a public-interest oriented practice. Nonetheless, some classes may merit special mention. All of the College's clinical courses (described elsewhere in this Guide) provide hands on experience in practicing public interest law. The Disability Discrimination class contains a public service component as well - students in that conduct accessibility studies on the Ohio State campus. In addition, students interested in public interest law careers may wish to pay particular attention to the Alternative Dispute Resolution and the Criminal and Children and the Law courses, as these are both fields in which a large percentage of practitioners are engaged in public interest practice.

The College officially recognizes students who complete 50 hours or more of pro bono or mediation work as Public Interest Fellows. Many student organizations provide opportunities for
such work. These include: the Dispute Resolution and Youth program, in which law students go to local middle schools and high schools to teach negotiation and mediation skills; the Pro Bono Research Group, in which student provide assistance through legal research on a volunteer basis to attorneys who are representing low income persons; the Public Interest Law Foundation, which provides financial support to students engaged in public service work; the Street Law program, in which law students teach high school students about the law; and the Volunteer Income Tax Assistance program, in which law students provide tax assistance to low income persons.

Other opportunities worthy of note to the student interested in public service law include: the Judicial Externship Program, a class for academic credit in which students receive placements as judicial clerks; the Justice for Children Project, headed by Professor Federle, which seeks ways to use the law to improve the experiences of children; and the Student Housing Legal Clinic, headed by Supervising Attorney Nicole Wilkinson, which represents Ohio State students in disputes with their landlords. Time spent by students engaged in these courses or activities does not count towards the 50 hour Public Service Fellow requirement since students receive either academic credit or compensation for their work.

An additional excellent opportunity for the public service-minded student is the College's Washington, D.C. Externship Program. Building on four very successful summers from 2003 to 2006, approximately 20 students will have the opportunity in 2007 to work in externships in D.C. accompanied by a high-quality academic program and a summer in the nation's capital. The summer program complements the existing Oxford summer program, offering Moritz law students the ability to gain experience at both the national and international levels. An ethics course features numerous guest speakers who are experienced in all aspects of government and public service. In one recent summer, for instance, speakers included a former White House Counsel, a chief drafter of the Ethics in Government Act, and an experienced public interest advocate. Program trips have included a tour of CIA Headquarters and a special session at the U.S. Holocaust Memorial Museum on the role of lawyers and judges in the Third Reich.

Finally, the College offers an innovative course on leadership development, Lawyers as Leaders, that seeks to help students become more effective leaders in the nonprofit, government, and/or corporate sectors. The course examines leadership theories, principles, and analytical methods in addition to the practical skills and tactics most associated with those who successfully rise to the top of organizations. Students are challenged to develop their understanding of leadership and hone their own leadership abilities by studying a variety of topics, including individual behavior, interpersonal dynamics, organizational structure, career management, diversity, organizational culture, and leading organizational change.
REGULATORY LAW

FACULTY: Professor James Brudney  
Professor Sanford Caust-Ellenbogen  
Professor Arthur Greenbaum  
Professor Camille Hébert  
Adjunct Professor Sam Porter  
Professor Peter Shane  
Professor Marc Spindelman  
Professor Peter Swire  
Professor Annecoos Wiersema

Most legal norms are developed and enforced in a regulatory environment. Unlike the traditional first-year subjects of Torts, Property, and Contracts, in which legal norms are established through legislative acts and in adjudications brought in courts of law by private parties, many legal obligations are developed and enforced outside of the courts and the legislature. In many areas of the law today, legislatures delegate much of the power to establish the contours of the law to administrative agencies. Legislatures also have given to many agencies the power to enforce the law through agency "adjudications." Many upper-level courses are devoted to understanding the substantive law in these regulatory areas. From taxation (IRS) to environmental law (EPA) to labor law (NLRB) to employment discrimination (EEOC), it is next to impossible to study an area of law without considering the role of federal and state and local agencies in shaping the content and enforcement of the law.

Regulatory law focuses on the role of governmental agencies in developing and enforcing legal norms. As such, it both complements one's understanding of a given substantive area of the law and can serve as a separate specialization. Thus, just as most lawyers need to have grounding in court procedure to enable them to practice in a given area of law, lawyers working in regulated areas need to have grounding in administrative procedure. Indeed, even lawyers whose practices do not focus on a specific regulatory area must often deal with regulatory issues. Thus, most students should take the Administrative Law course, even if they are not going into an area of practice dominated by regulatory law.

In addition, just as some students might wish to specialize in litigation theory and practice or dispute resolution, it is possible to specialize in regulatory law as a generic subject. A regulatory law specialization might be appropriate for any student who would like to work for a regulatory agency at the local, state, or federal level. In addition, students who anticipate working in regulated areas but not for an agency might consider a regulatory specialization. This could include work for advocacy groups or unions or representing clients in regulated areas.

The core course in regulatory law is Administrative Law. Administrative Law explores the powers that regulatory agencies may wield and the interrelationships between an administrative
agency and the executive, legislative, and judicial branches of government and examines the procedures that agencies must adhere to when acting and the rights that regulated parties and interested persons have to influence agency action. As such, it provides a practical and conceptual basis for systematic understanding of the regulatory process as well as providing essential grounding for anyone planning to practice law in a regulated area of law. Students seeking an even deeper understanding of the constitutional and statutory authorities of the federal executive branch and the constitutional relationship of government agencies to President, Congress and courts may wish also to take the Law of Presidential Power.

Students wishing to specialize in regulatory law should take additional courses on the theory of regulation and on the relationship between the agency and the other branches of government. Students also should review seminar offerings for courses that involve regulatory theory. It would be a mistake to consider the actions of a regulatory agency in isolation. The course in Legislation in the first-year curriculum and the Constitutional Law course explored the constitutional base and limits of regulatory action.

It is undoubtedly the case, however, that regulatory theory cannot be divorced from the regulatory objectives and dynamics of a given area of substantive law. Thus, students wishing to specialize in regulatory law should take a number of offerings in substantive areas in which regulatory agencies play a major role. A partial list of such courses includes:

- Antitrust
- Banking Regulation and Electronic Commerce
- Data Privacy and Cyberspace
- Employment Discrimination
- Environmental Law
- Health Law
- Insurance
- Labor Law
- Land Use Planning
- Law of Cyberspace
- Public Utilities
- Securities Regulations
- Statutory Civil Rights
- Telecommunications

We have excluded federal taxation from this list not because taxation is not a regulated area (it surely is) but because it tends not to focus too much on the regulatory process of taxation. Because course coverage and approach tend to vary from professor to professor, it is always a good idea to explore with the professor offering a given course the degree to which the course will be emphasizing regulatory issues.
In addition, students who are very interested in the theory of regulation might benefit from exploring course offerings in other departments of the University. In particular, offerings at the School of Public Policy and Management, such as Public Policy Formulation and Administration, Public Policy Implementation, Micro Political Economy, and Public Utilities, are valuable enhancements to courses offered at the College of Law. Certain courses offered by the Political Science and Economics Departments might also be relevant. Students wishing to take courses outside of the College of Law should consult with the Assistant Dean for Academic Affairs. Students (other than those in a joint degree program) are limited to a total of five semester hours of credit toward the law degree for courses taken outside the College of Law.

Finally, students who are committed to a career in a regulatory area might consider enrolling in a joint degree program. The College has established programs in Hospital Administration and in Public Administration, among others. Those students interested in pursuing a joint degree should consult the Assistant Dean for Academic Affairs for more information.

SPORTS LAW

**Faculty:** Professor Alan Michaels

The Sports Law class covers a broad array of legal subjects relevant to Sports Law practice in both the professional and collegiate arenas. More than a class about a substantive “law of sports,” it is a specialized “as applied” study of many substantive areas, including Antitrust Law, Labor Law, Anti-Discrimination Law, Intellectual Property Law, Employment Law, Arbitration, and Administrative Law. No previous knowledge of any of these substantive areas (or any other area of law beyond the first-year curriculum) is expected, and students should emerge from class with understanding useful beyond the realm of sports.

TAXATION

**Faculty:** Professor Stephanie Hoffer
Professor Allan Samansky
Associate Dean & Professor Donald Tobin

**Basic Course:**

Federal Income Taxation (606) is the basic tax course, which most students take in their second year. All students should take this course whether or not they plan to be tax or business lawyers. Tax issues arise in every area of practice. In addition, Federal Income Taxation teaches statutory analysis, and the skills learned in this course will be useful whenever the student or practicing attorney must interpret or apply a statutory provision.
ADVANCED TAX COURSES:

Business Taxation (794S) or Taxation of Business Enterprises covers the basics of corporate and partnership taxation, including S corporations and limited liability companies. It will not cover corporate reorganizations or mergers. Federal Income Taxation is a prerequisite.

International Tax

Taxation of Gifts, Trusts, and Estates (740) examines the impact of the federal transfer taxes on property passing from one generation to another. It is important for aspiring estate planning and tax lawyers.

Tax Policy Seminar examines the concepts underlying federal tax policy, including principles of fairness, progressivity, neutrality, and case of administration.

RELATED COURSES:

Accounting for Lawyers teaches the basics of accounting to students with little or no accounting background. It is highly recommended to eligible students since the ability to understand accounting principles and financial statements is frequently essential in a legal career.

TORTS

FACULTY: Professor Martha Chamallas
Professor Sarah Cole
Professor Edward Lee
Professor Emeritus James Meeks
Associate Dean & Professor Kathy Northern
Professor Peter Swire

GENERAL:

The law of Torts is a study of the common law, constitutional principles, statutory rules, and administrative regulations giving rise to the rights we enjoy and duties we assume by virtue of our membership in society. It is also a study of the system of compensation made available to persons who have been injured because of a breach of those duties. Tort law encompasses the doctrines, processes, procedures, and precepts that are invoked when a person seeks legal redress for an injury caused by the conduct, property, or product of another. Although the circumstances under which the parties interacted may also support a criminal charge or a claim for breach of contract, the torts case focuses on rights and liabilities that arise even though no one promised to pay for the damages and without regard to whether the government can or does prosecute the
actor for a crime. The law of torts performs a refereeing function in transferring the economic consequences of civil wrongs between disputing parties. Tort law may serve as the tie that binds, or the sword that dismembers, business and social interactions of private persons. Whether one intends to enter the public sector or to engage in corporate or private practice, tort law will have a significant impact upon one's practice.

**Basic Course:**

The study of basic principles of tort law customarily is placed in the first-year curriculum because it offers the beginning law student a unique opportunity to gain insights into the law that go far beyond the comprehension of a set of legal rules defining the various torts. The first-year course is necessarily limited to the exploration of basic concepts such as intentional misconduct, negligent conduct, and strict liability. Individual sections of the first-year Torts course vary to some extent with regard to the coverage of such specialized issues as damages, products liability, and professional negligence. The ever-expanding nature of the tort law in this society makes it difficult, if not impossible, for the first-year course to fully address broad areas of the law in sufficient detail to prepare a student to comprehend the overall impact of this area of law upon their practice.

**Advanced Offerings:**

The advanced torts offerings vary from year-to-year depending on faculty staffing. As a result the exact hour loading will vary. Usually, a course will be offered that covers products liability, either by itself, or in combination with other topics, such as damages, environmental torts, constitutional law torts, tort-related insurance issues and tort reform. Another offering in this area is the professional malpractice seminar.

**Related Offerings:**

A person interested in the practice of tort law should have a broad-based legal background. In addition to required first-year courses, at a minimum this should include a course in Administrative Law and Business Associations. These courses provide a basic legal background for understanding the impact of regulatory agencies and business institutions upon individual rights. The practice of law in most areas of tort law includes either directly or indirectly a great deal of trial work. As a result, courses in Evidence, Trial Practice, Remedies, and other procedure and litigation related courses are of significant benefit to understanding the legal framework within which tort law operates. A course in Insurance Law is also beneficial to understanding the compensation mechanism most relevant to tort litigation.

There are a number of other related courses that would prove useful to the tort law practitioner. Each of these courses has some tort law component or helps to develop skills useful in a torts practice. These courses include dispute resolution courses, Employment Law (with reference to topics such as wrongful discharge, worker's compensation, and occupational safety),
Consumer Law (with reference to deceptive trade practices and warranty), Health Law (with reference to medical malpractice), and Law and Economics. In addition, we would recommend at least one course in the Civil Rights and Civil Liberties group or the Litigation Theory and Practice group of courses.

WILLS, TRUSTS, AND ESTATES

Faculty: Professor Bruce Johnson
          Professor Allan Samansky
          Adjunct Professor & Judge Edward Segelkein

Basic Course:

Wills, Trusts, and Estates (656) covers a number of matters most lawyers should understand, whether they are general practitioners, business lawyers, or estate planners. Among the course topics are: (1) the policy basis of inheritance and the changing character of intergenerational wealth transfer; (2) intestate succession; (3) the requirements for executing and revoking wills; (4) the rise of will substitutes; (5) the construction of wills; (6) spousal protection; (7) the creation and termination of trusts; (8) charitable trusts and charitable corporations; and (8) the duties of trustees, executors, and other fiduciaries.

Advanced Course:

Estate Planning & Will Drafting provides interested students with some of the skills and knowledge needed by attorneys who have an estate planning or general business practice. Topics covered will include wills, trusts, asset protection, retirement planning, and charitable giving. Students also study the relevant provisions of income, gift, and estate taxes and appropriate planning. Most of the course is organized around case studies, and students are required to participate in simulations, draft wills and other documents, and prepare short memoranda.