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**COLLEGE OF LAW**

**SPRING 2020**

**FIRST WEEK ASSIGNMENTS**

**LAW 5100- Criminal Law A and B**

**Professor Carpenter**

First Week Assignment:

Jan. 8: Go to the syllabus that is in TWEN and do units 1 and 2.

Jan. 9: Go to the syllabus and do unit 3.

**LAW 5259- Introduction to International and Comparative Law A**

**Dean Gomez**

First Week Assignment:

Read the four (4) news articles linked below and use the stories presented there to answer the following questions in preparation for our discussion on January 6th, 2020.

Questions:

1. How relevant is international law in each case?

2. What is the relationship between domestic and international law in each case?

3. What are the main factors that hinder the effectiveness of international law in each case?

List of articles:

• UN News, ‘US pardons for accused war criminals, contrary to international law: UN rights office’, November 19, 2019 < https://news.un.org/en/story/2019/11/1051761> accessed December 19, 2019.

• C. Chase, ‘NGOs, businesses urge US Labor Department include distant-water fishing in forced labor list’, December 17, 2019 <https://www.seafoodsource.com/news/environment-sustainability/ngos-businesses-urge-labor-department-include-distant-water-fishing-in-forced-labor-list> accessed December 19, 2019.

• The World Staff, ‘How do maps handle disputed borders?’, December 18, 2019 <https://www.pri.org/stories/2019-12-10/how-do-maps-handle-disputed-borders> accessed December 19, 2019.

• K. Rahman, ‘U.S. and U.K. ‘ripping up the rule of law’, says father of teen allegedly killed by American Diplomat’s wife’ December 3, 2019 <https://www.newsweek.com/us-uk-ripping-rule-law-says-father-teen-killed-diplomats-wife-1475299> accessed December 19, 2019



**LAW 5259- Introduction to International and Comparative Law B**

**Professor Jalloh**

First Week Assignment:

To Be Announced.

**LAW 5300- Civil Procedure A and B**

**Professor Wasserman**

First Week Assignment:

*Go to* [*fiucivpro.blogspot.com*](http://fiucivpro.blogspot.com)

**LAW 5300- Civil Procedure C**

**Professor Foley**

First Week Assignment:

Class #1: read pp. 61-77 of Yeazell casebook (10th edition, 2019) (Pennoyer v. Neff and related materials).  Also read Federal Rule of Civil Procedure 12, Article III, sections 1-2 of the Constitution and the Due Process Clauses in the 5th and 14th Amendments (NOTE: the Rules and the Constitution are both contained in the paperback Rules supplement to the Yeazell casebook).

Class #2:  read pp. 78-88 (up to section 2 on Absorbing In Rem Jurisdiction) (International Shoe, McGee & Hanson cases and related materials). Also re-read FRCP 12.

**LAW 5400- Property A**

**Professor Mirow**

First Week Assignment:

Please read and be ready to discuss pp. 3-35 in Dukeminier et al., *Property, Concise Edition, 2nd edition* (Wolters Kluwer, 2017).

**LAW 5400- Property B**

**Dean Rodriguez-Dod**

First Week Assignment:

**PROPERTY SYLLABUS – Spring 2020**

Professor Eloisa C. Rodriguez-Dod

FIU College of Law

LAW 5400 Section B

(305)348-3245

elrodrig@fiu.edu

RDB2024

I. Required Book

There is one required casebook for this course: Bruce and Ely, MODERN PROPERTY LAW (6th ed., 2007) (ISBN # 0-314-16898-2 or 9780314168986) ("Casebook").

II. TWEN

Additional materials and questions may be posted on TWEN. Students must enroll in the Westlaw TWEN course created for this class (“TWEN”). This course is password protected. Students will be given the password on the first day of class. Once students have the password, they should go to www.lawschool.westlaw.com click on “My Courses” and scroll to the “Property” Course.

III. Class and Office Hours

Class meets on Mondays and Tuesdays from 10:00am-11:50am in RDB 2006. Office hours will be right before class on Wednesdays from 10:45am-11:30am and by appointment.

IV. Participation, Preparation and Class Attendance

1. *Attendance.* This course will follow the rules set forth in the law school’s Academic Policies and Regulations. Students are responsible for signing the attendance sheet. Those who do not sign the attendance sheet shall be presumed absent from class.

2. *Standard Preparation for Class.* Students will be expected to be prepared for every class and to participate actively in each class. Students will be called on without notice to answer questions, support or critique positions, and analyze cases. Students are also responsible for the notes, problems, and questions in the pages assigned in the Casebook and for the quizzes and assignments that I may post on TWEN. In addition, students are expected to dedicate at least 120 hours outside of class throughout the semester in completing the reading assignments and TWEN quizzes and in participating in TWEN postings and discussions.

3. *Poor Participation Will Affect Grades.* TWEN quizzes will be assigned throughout the semester. Completion of the TWEN quizzes will count toward the student’s participation score. The participation score can result in a student receiving a bump up (or down) to the next available grade if the participation is particularly superior (or poor). Note that many students’ grades will be determined solely by their final examination because their participation will be a neutral factor.

4. *Targeted Use of* *Laptops and other Electronic Devices During Class.* Students may only use laptops and other electronic devices (notebooks, iPads, etc.) during class for purposes directly related to the course (e.g., taking notes, reviewing briefs, responding to TWEN or other assignments). Accordingly, during this class students are specifically prohibited from (1) emailing, texting, and messaging or (2) accessing any file, program, or website other than those assigned by the professor. If, in the opinion of the professor, a student is distracted from class participation by a laptop or other electronic device, or if a student’s use of such a device is interfering with the classroom experience of any other student, the professor may prohibit use of electronic devices entirely during the course. In addition, students may not record or capture this class, or any portion thereof, without the professor’s prior written permission. Students’ attendance in class constitutes their agreement to abide honestly by these terms.

5. Standard Format for “briefing” Cases

Students are required to "brief" in writing each case in the pages assigned in the Casebook using the following format:

(1) What is the case name?

(2) Which Court decided this case?

(3) What is the date of the decision?

(4) Who are the parties?

(5) What is the procedural posture of the case?

(6) What are the essential facts?

(7) What is the issue(s) (i.e., what question(s) did the court have to answer in order to decide the case)?

(8) What conclusions did the court reach (i.e., how did it answer the question posed above)?

(9) What is the method by which the court reached those conclusions (i.e., what law did the court use and how did it apply that law to the facts of the case)?

(10) Did the Court avoid any issues (i.e., did it sidestep any questions which it initially appeared that it would have to answer)?

(11) Was there any interesting dicta (i.e., did the court make any statements about the law beyond what was needed in this case)?

(12) What are the possible effects of this decision?

V. Examinations

The examination for this course will be closed-book. The questions may cover (1) any material in any of the assignments, even if it was not discussed in class, and (2) any material discussed in class, even if it was not covered in any reading assignment. The exam may include essay questions, objective questions, multiple-choice questions, or any combination of questions.

VI. Course Description, Course Objectives and Learning Outcomes.

This course introduces and examines concepts of property ownership, possession, and transfer. It includes acquisition and protection of personal property; estates in land, including present, concurrent, and future interests; leasehold estates; easements, covenants, and private controls of land use; some aspects of real property transfers, including deeds, descriptions, recording and priority, and the real estate contract; and an introductory treatment of nuisance, zoning and other public controls of land use.

Upon completing this course students will be able to 1) synthesize property law from primary sources; 2) solve problems using property law; 3) demonstrate an understanding of the basic principles and concepts of property law; and 4) identify and explain issues involving property law.

VII. Reading Assignments

Pages refer to the Casebook unless otherwise noted. Additional materials may be assigned in class, by e-mail, or on TWEN.

Week 1:

Property Law – Pages 1-4 **and** Realty v. Personalty and Wild Animals – Pages 143-149

Found Property – Pages 149-161

**LAW 5400- Property C**

**Professor Osei Tutu**

First Week Assignment:

No assignment.

**LAW 5781 – Legal Reasoning U01, U10**

**Dean Schulze, Professor Lorenzo**

**First Week Assignment:**

Topics Covered: (1) Course Introduction; (2) Rule-Based Legal Reasoning; (3) Analogy-

Based Legal Reasoning; (4) Policy-Based Legal Reasoning.

Assignments for Class:

(1) On TWEN, sign up for “Legal Reasoning,” and read the course syllabus in its

entirety.

(2) Sign up for the webcourse materials as directed by an email from course instructor.

Each student must watch the assigned videos by Week Three, and I strongly

recommend that you spread this out by starting now.

(3) Read: Handout “Forms of Legal Reasoning” posted on Legal Reasoning TWEN

course page.

(4) Carefully read: State v. Nations (available on course TWEN page);

(5) Carefully read: People v. Lauria (available on course TWEN page);

(6) Attend class prepared to discuss the cases and how they relate to the forms of legal

reasoning.

**Legal Skills and Values II**

**LAW 5793- Legal Skills and Values II**

**All Sections (U01, U02, U03, U04, U05, U06, U10)**

**All Professors: Rosenthal, Lozada Schrier, Klion, Correoso, Delionado, Loeb, Mullins**

First Week Assignment:

Class 1:

1. In your textbook (**Joan M. Rocklin et al., *An Advocate Persuades* (2016)**), read the Introduction (pp. xix-xx) and Chapter 2 (“The Ethical, Professional Advocate”).
2. On the **FIU Law Library website** (<http://libguides.law.fiu.edu/henrylatimerguide>), read the following Rules Regulating the Florida Bar, available under the **Professionalism Standards** tab:

* Rule 4-3.1: Meritorious Claims and Contentions
* Rule 4-3.3: Candor Toward the Tribunal
* Rule 4-3.4: Fairness to Opposing Party and Counsel
* Rule 4-3.5: Impartiality and Decorum of the Tribunal

*(Note: To access the specified Rules Regulating The Florida Bar, click on “Search and view the full set of the Rules Regulating The Florida Bar.” Be sure to read the comments to each assigned Florida Bar Rule.)*

Class 2:

1. In your textbook (**Joan M. Rocklin et al., *An Advocate Persuades* (2016)**), read Chapter 4 (“Motion Practice”). Skim Chapter 3 (“A Litigation Overview”).
2. Carefully read the Comprehensive Course Syllabus and submit your Student Information form. During or shortly before Class 1, your individual LSV professor will provide you with more information about accessing these documents.

**LAW 6010- Sales**

**Professor Anglade**

First Week Assignment:

1. Read Assignment 1 and answer Problems 1.1 - 1.4 in the casebook, Daniel Keating, Sales: A Systems Approach (Wolters Kluwer 6th ed. 2016);

1. Before the first class meeting, join the TWEN page for the class, check for announcements and review the course syllabus.

**LAW 6031- Payment Systems**

**Professor Esquirol**

First Week Assignment:

Textbook: Students enrolled in both Payment Systems and Secured Transactions may purchase one textbook for both courses:

COMMERCIAL LAW, 10TH EDITION, (“CL”) Warren and Walt, Foundation Press.

If you are enrolled only in Payment Systems, you may purchase the abbreviated version of the book:

PAYMENTS AND CREDITS, 10TH EDITION, (“PC”) Warren and Walt, Foundation Press.

First Week Assignment: Please read pp. 651-668 (CL); or 1-17 (PC), in the textbook

**LAW 6051- Secured Transactions**

**Professor Esquirol**

First Week Assignment:

Textbook:

Students enrolled in both Secured Transactions and Payment Systems may purchase one textbook for both courses:

COMMERCIAL LAW, 10TH EDITION, (“CL”) Warren and Walt, Foundation Press.

If you are enrolled only in Secured Transactions, you may purchase the abbreviated version of the book:

SECURED TRANSACTIONS IN PERSONAL PROPERTY, 10TH EDITION. (“ST”) Warren and Walt, Foundation Press.

First Week Assignment: Please read pp. 1-15 CL and ST, in either textbook.

**LAW 6052- Bankruptcy Law**

**Professor Norberg**

First Week Assignment:

Please read: (1) pages 1-14 in the casebook, David G. Epstein et al., Bankruptcy: Dealing with Financial Failure for Individuals and Businesses (4th ed. West Academic Publishing 2015); (2) the handout regarding state debt collection law and secured transactions (to be emailed to students registered for the class); and (3) Uniform Fraudulent Transfer Act §§ 2(a), 4, 5, 7(a)(1), 8(a) in the statutory supplement, Charles, J. Tabb, Bankruptcy Code, Rules, and Official Forms, 2019 Law School Edition (West Academic Publishing 2019)).

**LAW 6060- Business Organizations**

**Professor Markham**

First Week Assignment:

**COURSE DESCRIPTION:** This is a basic course on state and federal law governing incorporated business enterprises, partnerships and limited liability companies.

**COURSE OBJECTIVES AND LEARNING OUTCOMES:** To obtain a basic understanding of corporate law. This will include an examination of:

 the strengths and weaknesses of various business organizations, including partnerships, limited liability companies and corporations;

 agency law and principles;

 limitations on piercing the corporate veil;

 the incorporation process and housekeeping requirements for corporations such as by-laws and minutes, quorum requirements and notices of meetings;

 the scope and role of fiduciary duties and the application of those duties;

application of the federal securities laws and concerns with “insider trading;”

 issues arising from corporate mergers and acquisitions;

 derivative litigation; and

 limitations on the declaration of dividends.

**REQUIRED TEXTS:**

*Corporations and Other Business Enterprises, Cases and Materials*

By: Hazen, Markham & Coyle

ISBN:978-0-314-28437-2

Edition: 4th 20016

Publisher: West Publishing Co.

[*Hazen and Markham's Corporations, Other Limited Liability Entities and Partnerships, Statutory and Documentary Supplement for Hazen & Markham's Corporations and Other Business Enterprises, Cases and Materials*](http://store.westacademic.com/s.nl/it.A/id.39091/.f)

ISBN: 978-1-64242-948-0

Edition: 2019-2020

**FIRST ASSIGNMENT**: Read and be prepared to discuss pages 1-55 of the text.

**TENTATIVE OUTLINE:** The detailed Table of Contents of the casebook provides a tentative outline of major topics. We will proceed through the casebook at an anticipated rate of fifty-five pages per day. Students should plan on spending at least two hours in reading and mastering the material assigned for each class.

**PERFORMANCE MEASURES:** Students will be graded on the basis of a final examination that will be administered on the day and time assigned by the Law School during its examination period. There will be no course activities during Readings Week. The examination will consist of a series of true and false and multiple-choice questions. Student final grades will be calculated according to the law school approved curve.

**ATTENDANCE STANDARDS:** A sign-up sheet will be circulated each day and student grades may be reduced in degrees prescribed by Law School procedures.

**LAW 6105- Death Penalty Law**

**Professor Harper**

First Week Assignment:

1. <http://deathpenalty.procon.org/view.resource.php?resourceID=002000>
2. Read Chapters 1-3 of Text
3. Read only Scalia’s concurrence and Breyer’s dissent in Glossip v Gross.

<http://www.supremecourt.gov/opinions/14pdf/14-7955_aplc.pdf>

1. Read Florida Statute 921.141
2. Read from Death Penalty Information Center (type in DPIC)

<https://deathpenaltyinfo.org/facts-and-research/dpic-reports>

**LAW 6106- Death Penalty Clinic**

**Professor Harper**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**LAW 6112- Criminal Procedure: Investigation**

**Professor Moreno**

First Week Assignment:

***Overview of the Course*:**

**This is not a substantive criminal law course, nor is it a course on technical rules (like Civil Procedure); it is an advanced constitutional law course.**

**This course is about how the U.S. Constitution protects individuals from certain actions by the government (“state actors”). We will study the body of federal constitutional law that governs the investigation and arrest of people charged with federal and state crimes. We will also address limited aspects of the processing of criminal cases (i.e., the right to counsel). Substantively, we will study the Supreme Court’s “constitutionalization” of criminal procedure, focusing on its intended effect on law enforcement conduct and its inevitable effect on the admissibility of evidence obtained during an investigation by law enforcement officers. Procedurally, we will study the events that precede the formal charging of a defendant. You should understand that this course will *not* cover the many constitutional issues that arise after a person is charged (such as bail, jury selection, or double jeopardy), during the processing of their case (such as guilty pleas or the evidentiary impact of the confrontation clause), or after conviction (such as sentencing and appeal). If you want to study these issues, you should also take Criminal Procedure: Prosecution (aka our “bail to jail” course).**

**The principal method of studying the questions addressed in this course is to read the opinions of the U.S. Supreme Court. Our casebook, which is similar to all other criminal procedure casebooks, but a little different from most of your casebooks, is comprised almost entirely of excerpts from Supreme Court decisions. As you read these cases, you will learn that decisions concerning criminal procedure are rarely unanimous. Most opinions contain important dissents, concurrences, and concurrences in the judgment. Portions of all (or most) of these are included in your casebook. This means that determining “what the law is” requires that you read *all* parts of the opinion. This is the only way that you will be able to identify which facts, law, and Constitutional principles support each opinion. These portions of the decisions will be part of our classroom analysis and you will be responsible for mastering the entire case.**

**Because this will be the first time you are reading criminal procedure cases, I strongly recommend that once you have read a decision, you reread the entire decision to figure out what reason/reasons are cited by all justices to fully understand the case. This is interesting and useful, but complicated and time-consuming work. There is, however, no substitute for it, and the course will require it. You may find it very helpful as you begin to read these cases, to create detailed notes, outlines, or fill-in-the-blank charts (with the justices’ names and which parts of the opinion they have authored or joined at the top), so that you can keep track of all arguments and all areas of agreement and disagreement.**

**When we read new cases decided after the Casebook was published, they will be found in full form posted on TWEN.**

***Relevant Constitutional Provisions*:**

**This course focuses on four parts of the U.S. Constitution: the IV, V, VI and XIV Amendments.**

**Amendment IV**

**The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.**

**Amendment V**

**No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

**Amendment VI**

**In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.**

**Amendment XIV**

**(Passed by Congress June 13, 1866. Ratified July 9, 1868.)**

**Section 1.**

**All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

***Class Materials:***

**All readings will be found in the casebook or on TWEN (as indicated in the syllabus or posted -- if a new case is decided during the semester).**

**Materials:**

**Casebook - Kamisar, LaFave, Israel & King, *Basic Criminal Procedure*, 15th Ed. (West)**

**(CB = Casebook)**

**New cases will be distributed via TWEN.**

**Review & Practice Problems:**

**Starting with our first class and continuing throughout the semester, I will present you with review and practice problems designed to gauge your understanding of the substantive law and to enable you to refine your analytic and practice skills. These problems will be posted in advance on TWEN and you will work on these problems by yourself at home. The goal is for you to spot the relevant constitutional issues and develop the best possible answer to each question raised by the practice problem. You will be required to create a detailed written outline responsive to all issues raised in the practice problem and bring that outline with you to the next class. During the next class, we will discuss the practice problem in detail and your outlines will be collected.**

**Practice problems provide us with the opportunity to: (1) develop comprehensive and coherent answers to legal problems; (2) ensure that you have mastered the covered material for the relevant subject area; and (3) enhance your lawyering skills (including accurate issue spotting, organizing an approach to a complex problem, and presenting a cogent and thoughtful legal analysis). Timely and conscientious work on all assigned practice problems assignments is a required component of this course.**

**Casebook Plus:**

**Completion of the Casebook Plus quiz materials that correspond to the reading in our Casebook is a required and graded component of this class. All Casebook Plus assignments must be completed by the day before the final exam.**

**TWEN:**

**Please register for our TWEN site. I will use TWEN to communicate with you about assignments, post relevant materials (review and practice problems, cases, and articles), and to facilitate online questions and discussions.**

**CALI Lessons:**

**Over the past few years, CALI has developed a very strong series of criminal procedure practice problems. These are linked directly to our class TWEN site. You should use this free resource to reinforce your understanding of the concepts that we will study in class. You should also expect that if you schedule an appointment to discuss a concept that you do not understand, I will ask you to bring your CALI exercise work.**

**Powerpoint Slides:**

**I will prepare and present Powerpoint slides during class. These slides – i.e., the Powerpoint slides that are shown in this class -- are designed to guide in-class discussion and analysis. Do NOT use class time to transcribe Powerpoint slides. Although most graduate faculty do not provide student with access to original teaching slides, to encourage you not to transcribe slides, I will make my spring 2020 Powerpoint slides shown in class available for you to download from TWEN approximately three weeks before the final exam. The slides I upload for this class are authorized solely limited release to the students in this class. I do not authorize you to post or otherwise disseminate these materials in any format, nor may you share my Powerpoint slides with anyone outside this class. Doing so will be reported as a violation of the COL Student Code of Conduct.**

**The final exam in this class is open book and you are welcome to bring hard copies of the Powerpoint slides released to this class into the examination room for your own use. However, to ensure a level playing field for all exam takers, I reserve the right to collect and review any materials brought into the final examination or, upon notice that any of these rules have been violated, to switch at any time to a closed-book examination.**

***The Developing Law of Criminal Procedure*:**

**The Supreme Court renders several important criminal procedure decisions every year. Thus, we can study the law “as it develops” by exploring recently decided cases and cases that are currently pending before the Court (materials will be available on TWEN). As new cases arise during the semester, we will anticipate the new cases and their implications as part of our course materials. You will be responsible for all assigned materials and all cases circulated via TWEN and discussed in class. Towards the end of the semester, we will devote a class (or most of a class) to a discussion of new and upcoming cases from the current Supreme Court term. You will be responsible for learning this material because it is essential to understanding the trajectory of the law.**

**In addition, in order to keep abreast of new developments, I strongly recommend that you regularly visit these websites:**

[**www.scotusblog.com**](http://www.scotusblog.com)

**www.supremecourt.gov**

**http://www.oyez.org**

**If you become aware of additional useful criminal procedure related sites, lower court cases, or news articles, please post links to these sites directly to the class discussion area of our TWEN board.**

***How to Reach Me By Telephone & E-mail*:**

**My email address is** [jmoreno@fiu.edu](mailto:jmoreno@fiu.edu) **and this is the best way to contact me. My telephone number is 305-348-1152 (ext. 71152).**

***Office Hours*:**

**My office is in room 2070C and my office hours are listed below. Office visits should be scheduled *at least* 24 hours in advance with my assistant Ms. Connie Giffuni (cgiffuni@fiu.edu). If you have a conflict with these hours, I can also make myself available to meet with you at a different time. However, my availability to meet with you in my office is only guaranteed with an appointment. To ensure that office hours times are useful and productive, the day before our appointment you should email me a written list of your specific class-related questions and include a description of all of the efforts (including CALI work) that you have undertaken to answer these questions yourself.**

**Tuesdays: 1:00 p.m. - 3:00 p.m.**

**Wednesdays: 3:00 p.m. - 5:30 p.m.**

***Class Rules*:**

**Participation:**

**I expect and require regular class participation from all students.**

**Although your understanding of the material is enhanced by your engaged participation in every law school class, participation in class discussion is especially important in *this* class because the cases are nuanced and the justices are so frequently at odds.**

**I will call on you randomly, individually, and in groups. I will also encourage responses and questions from volunteers. Please come to every class prepared to discuss the material.**

**Stay current with the syllabus and always prepare for class by reading the assignment *for that day*. I expect productive and well-prepared contributions to class discussions and do keep track of refusals to engage with the class and admissions of lack of preparation.**

**Consistent class participation reflecting thoughtful analysis and careful attention to the material can affect your grade positively. The opposite is also true.**

**Etiquette:**

**Before entering the classroom please turn off all cell phones, ipads, watch alerts and anything else likely to ring, buzz, chime, toot, or burst into song during class.**

**Laptops:**

**You are not permitted to bring laptops into class.**

**Class Meetings, Lateness & Attendance:**

**Class meets on Wednesdays & Thursdays 5:30 p.m. – 6:45 p.m. in room 2002.**

**Please note that I teach at 7:00 p.m. on those same days, so questions immediately after class are best emailed to me or posted on TWEN.**

**Regular, punctual attendance is mandatory and required by the College of Law Academic Policies & Regulations. In accordance with Rule D-501 of the FIU College of Law Academic Policies and Regulations:**

***A student enrolled in any course must regularly and punctually attend class. Except when an instructor has established more exacting attendance requirements (see below), a student who is absent for more than 15% of the class hours in a semester (one class hour equals 50 minutes) shall be deemed not to have regularly attended class, and shall receive a reduction of a letter grade (e.g., A- to B+) for every absence beyond 15% of the class hours in the course.***

***The Dean shall grant exceptions to this policy for: (1) absences due to medical and other emergencies, or (2) absences, with two weeks advance notice to the course instructor, due to religious holidays or approved co-curricular activities. The Dean may grant exceptions to this policy in other extraordinary circumstances.***

***An instructor may establish more exacting attendance, and punctuality, requirements in the instructor’s course and, during the add/drop period, shall notify the students of those requirements in the course syllabus or by some other form of written notice.***

**To conform to this rule, if you miss more than four (4) classes, you will be ineligible to sit for the final exam and will be given a failing grade for this class unless the Dean has granted you a special exception to the COL attendance policy. To ensure that this does not occur, plan accordingly and sign (do not initial) the attendance sheet each day when it is circulated.**

**The attendance sheet is the only valid record of attendance for this class. Your notes or statements from other students are not relevant to a determination of whether you were in class on a particular day. Thus, you must make sure that you sign in every day.**

**Class will begin on time. If you are late for class, you will be required to sign in as “late” on the attendance sheet. Two late arrivals (or two occasions where you are unprepared for class) will be counted as an absence.**

**You are responsible for keeping records of your attendance and you must communicate directly with my assistant, Ms. Connie Giffuni (**[**cgiffuni@fiu.edu**](mailto:cgiffuni@fiu.edu)**), regarding all attendance-related matters. If a genuine emergency arises that will require that you miss class or arrive unprepared, please let Ms. Giffuni know *in advance* and *in writing* (via e-mail). This policy is only designed to accommodate real emergencies. If a genuine last-minute emergency arises that causes you to be late for class, please take a seat near the door and do your best not to disturb your colleagues.**

***FIU Statement Regarding Academic Misconduct:***

**Please bear in mind that in all COL classes you must comply with the following university guidelines:**

**Florida International University is a community dedicated to generating and imparting knowledge through excellent teaching and research, the rigorous and respectful exchange of ideas, and community service. All students should respect the right of others to have an equitable opportunity to learn and honestly demonstrate the quality of their learning. Therefore, all students are expected to adhere to a standard of academic conduct, which demonstrates respect for themselves, their fellow students, and the educational mission of the University. All students are deemed by the University to understand that if they are found responsible for academic misconduct, they will be subject to the Academic Misconduct procedures and sanctions, as outlined in the Student Handbook.**

***Grading*:**

**Your final exam will include multiple-choice questions and at least one word/page-limited essay question. The exam may also include questions in other formats.**

**The final exam will be open book. This means that you may bring any hard-copy written material that you chose with you into the exam room. This includes only materials prepared by you or commercially available materials. This does *not* include material accessible electronically or via the internet.**

**More specific questions about the final exam will be answered in class starting week twelve. There will also be a scheduled exam review class at the end of the semester where all of your (reasonable) questions regarding the material will be answered. Questions regarding the exam itself will only be answered during designated times and (for reasons of fairness) not during private conversations. Because you will be tested only on the material assigned for this class and because many secondary sources are of dubious quality, questions lifted from unassigned sources or unrelated to topics covered in class will not be discussed. The final exam will be weighted at 80% of the final course grade.**

**There will be other graded assessments administered during the semester, including all of the Casebook Plus quiz materials that correspond to our Casebook assignments, which will be weighted at 20% of the final course grade.**

**Academic Policies Regarding Course Credit Hours:**

**A credit hour is an amount of work that reasonably approximates: (1) not less than 50 minutes of classroom or direct faculty instruction and 120 minutes of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or (2) at least an equivalent amount of work for other credit-bearing academic activities such as field placements, law review, trial advocacy, and board of advocates.**

**Because this class comprises three credit hours, it will involve 150 minutes/week of in class instruction. In addition, the syllabus assignments, take-home assignments, problem review assignments, review skills and practice assignments, and review of the Casebookplus materials will require you to allocate six hours of out-of-class work to each week.**

**Here is the first assignment**

**Read CB 1-36.**

**Read the attached materials and answer all of the questions below. Do your best to answer the questions based on the language of the relevant Constitutional provisions, your general understanding of the limits on state action, and commonsense and everyday experience. Do not spend time trying to read ahead to cases that we will cover later in the semester.**

**Your answers should be in writing, must be brought with you to class for the purposes of discussion, and will be collected and assessed.**

***Relevant Constitutional Provisions*:**

**This course focuses on four parts of the U.S. Constitution: the IV, V, VI and XIV Amendments.**

**Amendment IV**

**The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.**

**Amendment V**

**No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

**Amendment VI**

**In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.**

**Amendment XIV**

**(Passed by Congress June 13, 1866. Ratified July 9, 1868.)**

**Section 1.**

**All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

**FACTS AND ISSUES**

**A State A police officer [“Officer”] was searching for a motorcyclist he saw riding a distinctive stolen motorcycle. The biker eluded Officer by riding away at a speed of over 100 miles per hour. Driving through the same State A neighborhood shortly afterwards, Officer spotted a similar motorcycle partly concealed under a tarp lying on the driveway of a single-family home. As soon as he spotted the motorcycle, Officer walked up the driveway, lifted the tarp, touched the bike and found that its engine was warm, and confirmed (via an online police license plate database search) that this was the stolen motorcycle.**

**Upon seeing Officer in her driveway, Suspect opened the front door of her house, walked outside, and the following conversation took place:**

**Officer: Can I ask you some questions about this motorcycle?**

**Suspect: Get off my private property.**

**Officer: I just want to know where you bought it.**

**Suspect: I’m not talking to you. I’ve had that bike for a long time.**

**Officer: OK. You’re under arrest. Get in the patrol car.**

**Officer: (While driving the patrol car with Suspect in the back seat): It would be much easier for you if you just told me the truth right now.**

**Suspect: Only after I talk to my lawyer.**

**Officer: (After silence for 10 minutes) Whoever rode that bike this afternoon is a big dog rider.**

**Suspect: Yeah. Agree about that.**

**QUESTIONS**

1. **List every potentially constitutionally significant investigatory step that Officer took to investigate this alleged crime. To make this list, you must consider all of the facts along with the relevant constitutional provisions.**

**[Hint -- You should find at least 10 separate steps.]**

1. **Assuming Suspect is charged and prosecuted, using common sense and a basic understanding of the constitutional provisions provided herein:**

**Briefly list and discuss all of the arguments that Suspect should make challenging the constitutionality of each action by Officer.**

**Identify the specific remedy that Suspect should seek, based on each challenge.**

**Briefly discuss all of the responses that should be made by the prosecutor.**

**Briefly discuss how the court should rule on each argument.**

**LAW 6222- European Legal History**

**Professor Mirow**

First Week Assignment:

Please read and be ready to discuss pp. 1-33 in Herzog, *A Short History of European Law* (Harvard University Press, 2018) and pp. 1-63 in Lesaffer, *European Legal History* (Cambridge University Press, 2009).

**LAW 6234- Race and the Law**

**Professor Anglade**

First Week Assignment:

 First week assignments will be posted on the course TWEN page.

**LAW 6235- Women and the Law**

**Professor Choudhury**

First Week Assignment:

Wednesday: read syllabus

Thursday: Kerber. Chapters 1&2

**LAW 6261- International Business Transactions**

**Professor Markham**

First Week Assignment:

**COURSE DESCRIPTION, OBJECTIVE AND LEARNING OUTCOMES:**

The subject of this class is the law of international business transactions. It seeks to provide a basic understanding of international business transactions. The detailed Table of Contents of the casebook provides an outline of major topics that will be covered in class. The objective of the class and desired learning outcome is that students will master the following subjects:

* Documents used for International Trade,
* Trade Terms and Choice of Law Issues,
* Letters of Credit,
* Role of the World Trade Organization,
* Customs Duties and Non-Tariff Barriers,
* Bi- and Multi-Lateral Trade Agreements,
* Buy American Requirements,
* Import and Export Controls and Embargoes,
* Bribery of Foreign Government Officials
* Foreign Investment Restrictions,
* Role of the IMF
* European Union Role,
* Dispute Settlement.

**REQUIRED TEXT:**

*Ralph H. Folsom, Michael P. Van Alstine, Michael Ramsey & Matthew P. Schaefer*, *International Business Transactions: A Problem-Oriented Coursebook* (13th ed. 2019). ISBN 9781640202566.

**FIRST ASSIGNMENT**: Read and be prepared to discuss pages 1-40 of the text. The class will thereafter proceed through the casebook at an anticipated rate of 40 pages per day. Students should plan on spending at least two hours in reading and mastering the material assigned for each class.

**PERFORMANCE MEASURES:** Students will be graded on the basis of a paper on a subject of their choice concerning international business. Student final grades will be calculated according to the law school approved curve, if applicable. There will be no course activities during Readings Week.

**ATTENDANCE STANDARDS:** A sign-up sheet will be circulated each day and student grades may be reduced in degrees prescribed by Law School procedures.

**LAW 6264- Immigration Law**

**Professor J. Gomez**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**LAW 6305- Remedies**

**Professor Román**

First Week Assignment:

**LAW 6310- ADR**

**Professor Moreno**

First Week Assignment:

The first assignment is in the casebook (Resolving Disputes: Theory, Practice and Law. Folberg, Golann, Stipanowich & Kloppenberg;   Aspen Publishers (3d edition)), students should read pages 1-57 before the first class and also log onto our TWEN page.

**LAW 6330- Evidence**

**Professor Moreno**

First Week Assignment:

***Introduction: What is Evidence?***

**This semester we will study the Federal Rules of Evidence (FRE), which govern the operation of both civil and criminal trials in the federal courts. The FRE are also the model for the overwhelming majority of state evidence codes (inclusing Florida). These rules are entirely different from the rules that you have studied in other classes. For example, they are nothing like the rules of civil procedure. The rules of evidence control how judges decide what lawyers and witnesses can say and do during civil and criminal trials. Which frequenly can determine the outcome at trial.**

**All lawyers need to understand the rules of evidence, whether they are anxious to enter or avoid the courtroom. Every time you represent a client, you will need to consider and prepare for the possibility that the dispute could be resolved at trial. To use any of the rules effectively, you will need to figure out what the rule means, its purpose, and how it applies in different circumstances. This is what we will be doing every day in class. We will learn the principal rules, discuss how the rule was developed and why, and then practice working with the rules in a range of realistic contexts.**

**Evidence rules define the roles of the judge, lawyers, witnesses (expert and lay), and jurors at trial.**

**Here is a brief introduction:**

**The Judge:**

**Judges decide what evidence can be presented to the jury. Evidence can be in the form of testimony by a lay witness (“I saw Bill shoot Jim”) or expert witness (“The white powder is cocaine”). Evidence can be physical evidence (the murder weapon, the contested document) or demonstrative evidence (the model of the bridge). Judges must first decide whether the evidence offered by the lawyers is *relevant* to any of the issues that must be decided by the factfinder during the trial. If the evidence is *not* relevant, it cannot be admitted. However, the judge can exclude even highly relevant evidence, for a variety of reasons (e.g., unfair prejudice, delay) that we will learn during the semester. As the trial progresses, judges monitor and control the lawyers and the witnesses to ensure that they adhere to the rules.**

**When we talk about evidence this semester we will *always* focus on the question of admissibility. This is the determination by the judge, which may be made before or during trial. Admitting or rejecting a proponent’s evidence is a question of application of law. Do *not* confuse this with the question of the weight of the evidence, which is a question of fact for the jury (or the judge acting as factfinder in a non-jury trial). Remember that simply because evidence is admitted, that does not mean that the jurors will find it persuasive (*i.e*., give it weight).**

**The Lawyers: Lawyers advocate for their clients. Effective lawyers try to provide the jury with as much relevant and persuasive evidence as the judge will allow. Effective lawyers also use the evidence rules to anticipate and prevent opposing counsel from providing the jury with relevant and persuasive evidence.**

**The Witnesses: There are two types of witnesses, lay witnesses and expert witnesses. Lay witnesses are allowed to tell the jury about events that they saw or heard, although under certain circumstances they may also testify to opinions derived from personal perception. Expert witnesses are *only* allowed to testify when the judge decides that the jury needs help understanding complicated questions that involve scientific, technical, or other specialized information. Unlike lay witnesses, experts can testify to things they did not personally perceive and they can describe their opinions and conclusions. Most testimonial evidence is introduced at trial by witnesses who appear in court to testify. As you will learn, the Confrontation Clause of the Sixth Amendment to the United States Constitution (every criminal defendant has the right “to be confronted with the witnesses against him”) has been interpreted to exclude the introduction of testimonial statements made out-of-court whenever the defendant has no opportunity to confront (*i.e*., cross-examine) the declarant before or during trial. Most physical/demonstrative evidence is introduced in conjunction with the testimony of a witness (lay or expert) who can explain to the jury how the physical/demonstrative evidence is relevant to the case.**

**The Jury: The jury hears all of the evidence that the judge has admitted and then weighs the evidence (by deciding how much it will influence their decisions). At the end of the trial, the jury will be asked to decide all of the questions of fact, determine whether the prosecutor or plaintiff has proved the elements of her case and satisfied her burden of proof, and reach a verdict.**

***Required Materials:***

**Casebook: Mueller & Kirkpatrick, *Evidence under the Rules,* 9th Ed. (Aspen - 2019)**

**[the “Casebook”].**

**A hardcopy of the 2019 version of the Federal Rules of Evidence with the advisory committee notes, which can be purchased from multiple sources. Here is an affordable option** [**https://www.amazon.com/Federal-Rules-Evidence-2019-Committee/dp/1729843662/ref=sr\_1\_4?keywords=2019+federal+rules+evidence&qid=1574193295&s=books&sr=1-4**](https://www.amazon.com/Federal-Rules-Evidence-2019-Committee/dp/1729843662/ref=sr_1_4?keywords=2019+federal+rules+evidence&qid=1574193295&s=books&sr=1-4)**.**

**TWEN: Please register on the Westlaw TWEN website for this class (**[**http://lawschool.westlaw.com/twen**](http://lawschool.westlaw.com/twen)**).**

**Casebookplus is required for this class. Registration information will be posted on TWEN.**

***Assignments*:**

**To minimize confusion, please read the assigned material in the order listed in the syllabus. The boldface page numbers refer to the Casebook.**

**The problems listed in the assignments are problems in the Casebook, listed alphabetically by chapter (*e.g.,* Problem 1-A is the first problem in chapter one, followed by 1-B, etc.).**

***Completing the assigned problems is part of the assignment for each class*. There are typically arguments for both sides in some parts of each problem, so prepare arguments and counterarguments. You should read and try to answer all of the problems that are contained in the reading (even if they have not been included on the syllabus). Expect that I will call on you to analyze the assigned problems in class, so (at least in the beginning of the semester) you may want to bring your answers – in writing – to class.**

**Readings designated “FRE” are the rules themselves. Whenever a rule citation is followed by “ACN” you are *required* to read both the rule and the Advisory Committee Notes to that rule. Expect that I will call on you to analyze the rule in light of the Advisory Committee Notes.**

**Evidence is a rules-based course This means that you must also read the rule and the Advisory Committee Notes (if it has been assigned or if you desire further clarification) whenever you prepare for class. Do this FIRST, before you read the Casebook assignment. Read the assigned rule SEVERAL TIMES. The rules are short, but deceptively complex. Always reread the rule for clarity or if it is commonly invoked.**

**Read and prepare any written assignments listed in the syllabus -- including the first assignment -- for its due date, even if later in the semester we may have not completed all of the problems assigned for the previous class.**

***Tips on Preparing for Evidence Class***

**With the exception of the Confrontation Clause cases, the cases in the Casebook are included for one or both of the following reasons: (1) they show a “problem” that existed before the rule(s) were created; and/or (2) they show an ambiguous area in the application of the rule(s).**

**When you read the assigned cases, ask yourself these questions:**

**1. If the case predates the rule, how does it illustrate the “problem” that the rule was designed to address?**

**2. If the case arose after the rule came into effect, what does the case demonstrate about the application of the rule?**

**3. What terms or parts of the rule are potentially ambiguous (subject to various interpretations) in application? How has the court resolved this ambiguity? What were the alternatives? Is this the majority approach? What are the advantages, disadvantages, and likely effects of the chosen approach? In what ways is this approach likely to change in the future?**

***Classes***

**Classes will generally begin with an analysis of one or more evidentiary rules. Once the language of the rule is clear, the class will explore the rule in context using original problems created for this class, realistic hypothetical questions, problems from the Casebook, and cases from the Casebook*.* Classroom discussions will be lively and you should always feel free to ask any questions in class that relate to the material or to practice.**

***Supplemental Materials*:**

**I strongly recommend CALI lessons because they are generally accurate and are always available free through our TWEN link or directly through CALI.**

**Based on both cost and uneven quality, I do not recommend that you purchase any supplemental materials – especially at the start of the semester.**

***Review & Skills Practice Classes:***

**Throughout the semester you will have numerous opportunities to review the material in context and to practice and develop your skills. These will be both informal (in-class problems that will be distributed and analyzed during that class session) and formal (classes are labeled “review and skills practice classes” on this syllabus). These practice problems will be available in advance on TWEN and written answers must be prepared in advance of class. Answers will be collected and a component of the final grade.**

***Powerpoint Slides*:**

**I will prepare and present Powerpoint slides during class. These slides – i.e., the Powerpoint slides that are shown in this class -- are designed to guide in-class discussion and analysis. Do NOT use class time to transcribe Powerpoint slides. Although most graduate faculty do not provide student with access to original teaching slides, to encourage you not to transcribe slides, I will make my spring 2020 Powerpoint slides shown in class available for you to download from TWEN approximately three weeks before the final exam. The slides I upload for this class are authorized solely limited release to the students in this class. I do not authorize you to post or otherwise disseminate these materials in any format, nor may you share my Powerpoint slides with anyone outside this class. Doing so will be reported as a violation of the COL Student Code of Conduct.**

***How to Reach Me By Telephone & email*:**

**My email address is** [**jmoreno@fiu.edu**](mailto:jmoreno@fiu.edu) **and this is the best way to contact me. My telephone number is 305-348-1152 (ext. 71152).**

***Office Hours*:**

**My office is in room 2070C and my office hours are listed below. Office visits should be scheduled at least 24 hours in advance with my assistant Ms. Connie Giffuni (who can be reached at cgiffuni@fiu.edu). If you have a conflict with these hours, I can also make myself available to meet with you at a different time, however, my availability to meet with you in my office is only guaranteed with an appointment scheduled by Ms. Giffuni. Office hours are designed to provide you with an opportunity to address problems or confusion arising from the assigned material and/or class discussions. To ensure that office hours time is genuinely useful and productive, the day before the appointment please email me a written list of your class-related questions and include a description the efforts that you have undertaken to answer these questions yourself.**

**Tuesdays: 1:00 p.m. - 3:00 p.m.**

**Wednesdays: 3:00 p.m. - 5:30 p.m.**

***Class, College of Law & University Rules*:**

**Participation:**

**I expect and require class participation from all students. I will call on you individually and in groups. I also strongly encourage responses and questions from volunteers. You will need to come to every class prepared to discuss the material. Stay current with the syllabus and always prepare for class by reading the assignment *for that day*. Class participation that reflects thoughtful analysis and careful attention to the material can affect your grade positively.**

**Etiquette:**

**Before entering the classroom, please turn off all cell phones, ipods, ipads, Bluetooth devices, watch alarms, and anything else likely to ring, buzz, chime, toot, or burst into song.**

**Laptops:**

**You are *not* permitted to bring laptops into this class.**

**Class Meetings:**

**Class meets in room 2001 on Wednesdays & Thursdays from 7:00 p.m. – 8:15 p.m.**

**In accordance with Rule E-501 of the FIU College of Law Academic Policies and Regulations, “[a] student enrolled in any course must regularly and punctually attend class.”**

**College of Law Attendance/Lateness Rules:**

**In accordance with Rule D-501 of the FIU College of Law Academic Policies and Regulations:**

***A student enrolled in any course must regularly and punctually attend class. Except when an instructor has established more exacting attendance requirements (see below), a student who is absent for more than 15% of the class hours in a semester (one class hour equals 50 minutes) shall be deemed not to have regularly attended class, and shall receive a reduction of a letter grade (e.g., A- to B+) for every absence beyond 15% of the class hours in the course.***

***The Dean shall grant exceptions to this policy for: (1) absences due to medical and other emergencies, or (2) absences, with two weeks advance notice to the course instructor, due to religious holidays or approved co-curricular activities. The Dean may grant exceptions to this policy in other extraordinary circumstances.***

***An instructor may establish more exacting attendance, and punctuality, requirements in the instructor’s course and, during the add/drop period, shall notify the students of those requirements in the course syllabus or by some other form of written notice.***

**The attendance sheet is the only valid record of attendance for this class. Your notes or statements from other students are not relevant to a determination of whether you were in class on a particular day. Thus you must make sure that you sign in every day.**

**Class will begin on time. If you are late for class, sign in as “late” on the attendance sheet. Two late arrivals (or two occasions where you are unprepared for class) will be counted as an absence.**

**FIU Statement Regarding Academic Misconduct:**

**Please bear in mind that you must comply with the following university guidelines:**

***Florida International University is a community dedicated to generating and imparting knowledge through excellent teaching and research, the rigorous and respectful exchange of ideas, and community service. All students should respect the right of others to have an equitable opportunity to learn and honestly demonstrate the quality of their learning. Therefore, all students are expected to adhere to a standard of academic conduct, which demonstrates respect for themselves, their fellow students, and the educational mission of the University. All students are deemed by the University to understand that if they are found responsible for academic misconduct, they will be subject to the Academic Misconduct procedures and sanctions, as outlined in the Student Handbook.***

***Grading*:**

**Your final grade in this class will be based on: (1) interim assessments totaling 25% of the final grade; and (2) a three-hour in-class final exam that will cover the material assigned throughout the semester and comprise the remaining grade basis. The final exam will contain both multiple choice and at least one word/page limited essay question(s). The exam will be closed-book, but you will be provided with a clean copy of the Federal Rules of Evidence to use during the exam. More specific questions about the final exam will be answered in class starting week twelve.**

**As noted above, final grades may also be adjusted up or down based your performance in class.**

***Academic Policies Regarding Course Credit Hours***

**A credit hour is an amount of work that reasonably approximates: (1) not less than 50 minutes of classroom or direct faculty instruction and 120 minutes of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or (2) at least an equivalent amount of work for other credit-bearing academic activities such as field placements, law review, trial advocacy, and board of advocates.**

**Because this class comprises three credit hours, it will involve 150 minutes/week of in class instruction. In addition, the syllabus assignments, take-home assignments, problem review assignments, review skills and practice assignments, and review of the Casebookplus material, the rules, and the advisory committee notes will require you to allocate six hours of out-of-class work to each week.**

**FIRST ASSIGNMENT**

|  |  |  |  |
| --- | --- | --- | --- |
| **CLASS** | **TOPIC** | **READING** | **PROBLEMS** |
| ***UNIT I: THE TRIAL*** | | | |
| **1 – 1/8** | **Introduction: Evidence Law and the System**  **Complete the FIRST ASSIGNMENT (attached) and BRING YOUR WRITTEN ANSWERS to class** | **1-51**    **FRE** [**101**](http://web2.westlaw.com/Find/default.wl?findcite=fre+rule+101&RS=WLW2.88&VR=2.0&SV=Split&FN=_top&MT=LawSchool&UTid=%7B7340A312-4EEC-11D5-A99D-000102463493%7D&RP=%2FWelcome%2FLawSchool%2Fdefault.wl&Find.x=5&Find.y=13) **-106; 401-415; 601-602; 607-609; 612-613; 701-706; 801-807** | **1-A** |

**For the first class also read the attached news article. This article is based on a real case. Before you read the article, read the questions listed below. Then reread the article and answer all of the questions.**

**Your answers should *not* be based on the Federal Rules of Evidence (although reviewing the rules may give you ideas), but on your own common sense view of the type of evidence that should be admitted at trial and (more importantly) your ideas own about *why* certain evidence or certain types of evidence should be admitted or excluded.**

**Your answers should be in writing, must be brought with you to class, and will be collected and assessed.**

1. Describe each piece of evidence that the prosecutor will want to use at trial in this case
2. How would each piece of evidence advance the prosecutor’s case?
3. What objections will the defense raise to admission of each of piece of evidence this evidence?
4. If you were the judge would you let the prosecutor introduce each of these pieces of evidence?

If so, why?

If not, why?

1. Describe each piece of evidence that defense counsel will want to use at trial in this case?
2. How would each of these pieces of evidence advance the defense case?
3. What objections will the prosecutor raise to admission of each of piece of evidence this evidence?
4. If you were the judge would you let defense counsel introduce each of these pieces of evidence?

If so, why?

If not, why?

***Preliminary Hearing Paves Way for Trial in Death of Toddler in Nanny's Care***

Medical examiners testified Tuesday that 22-month-old Samantha H. received six serious blows to the head before she died last year in Van Nuys, CA, but a jury will now have to decide whether there is enough evidence to prove that her nanny killed her.

Claire G., Samantha’s nanny, has been accused of abusing and killing Samantha, but she maintains her innocence. At a preliminary hearing Tuesday, a California state court judge decided that there was enough evidence for the case to proceed to trial.

Claire G. had been working for Samantha’s parents for about a year and a half. Last September 1, Claire G. arrived at the apartment to take care of Samantha. When she arrived, Claire G. explained to Samantha’s parents that she was late because the police had detained her for her fourth speeding ticket that year. According to Samantha’s father, when he and his wife left for work at 8:00 a.m. everything seemed fine. However, he admitted that he might not have been paying very close attention to Claire G. or his daughter because his wife distracted him. His wife had told him “I had a nightmare last night and I think it means that something bad will happen today.” Upon reflection, Samantha’s father said that he believed that his wife already sensed that something was not right about Claire G. Otherwise, he said, “everything was pretty normal.''

About an hour and a half later, as Claire G. was in the apartment preparing to take Samantha to the park, she noticed that Samantha was not breathing. The nanny frantically called out to a neighbor “come and help me with Samantha, she’s having trouble breathing.” The neighbor came to the apartment and called 911. The neighbor told the police operator, “I’m with Samantha who doesn’t seem to be breathing you need to get here fast.”

When the police arrived, Claire G. told the responding officer that Samantha had vomited and afterwards she had placed the child on a changing table and tried to comfort her. After Samantha was taken to the hospital, the police and prosecutor interviewed Claire G. on videotape and she said that the child had regained consciousness briefly, before falling asleep. The police also recovered a blood-stained baby blanket from the scene. The neighbor told the police that Samantha “looked blue” when she arrived at the apartment. The police officer also took a written statement from the neighbor.

According to the lead paramedic, when she arrived at the apartment Samantha was unconscious. Samantha died at the hospital the next day. Medical examiners testified that little or no blood had been getting to her brain since some time on the morning of September 1.

On cross-examination from Claire G.’s attorney, the medical examiner admitted that no medical test can pinpoint the exact time when physical injuries are received. The medical examiner also admitted that medical science cannot fully explain how physical trauma to the head can cause death.

**LAW 6340- Conflicts of Law**

**Professor Valdes**

First Week Assignment:

The reading assignment for the first week of Conflict of Laws in Spring 2020 is as follows:

* Casebook, pp. xxv-xxxiv
* *In re: Warrant to Search a Certain E-mail Account Controlled and Maintained by Microsoft Corporation*, 15 F. Supp. 3d 466 (S.D.N.Y. 2014)
* *Coats v. Dish Network, LLC*, 350 P.3d 849 (Col. 2015)
* *Yahoo!, Inc. v. La Ligue Contre Le Racisme et L’Antisemitisme*, 169 F.Supp.2d 1181 (N.D. Ca. 2001)
* *Grupo Televisa, S.A. v. Telemundo Communications Group, Inc*., 485 F.3d 1233 (11th Cir. 2007)
* *de Pacanins v. Pacanins*, 650 So.2d 1028 (Fla. 3d DCA 1995)
* Complaint in *Zion Williamson v. Prime Sports Marketing LLC,* Case no. 1:19-cv-593 (M.D.N.C. June 13, 2019) (A copy will be e-mailed to all students prior to the first class)
* Apple Media Services Terms and Conditions ([https://www.apple.com/legal/internet-services/itunes/us/terms.html](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.apple.com_legal_internet-2Dservices_itunes_us_terms.html&d=DwMGaQ&c=lhMMI368wojMYNABHh1gQQ&r=m2kw6HjgOjRdwR1xsRJ2Xw&m=Zc7SAhJzOCeAY0c7oahn6xMNDN6rsOhPXa8ZlSw8TT4&s=walc59KGFFdak_c45_BvX2NwVPXngInCXGYhVCH7CJ4&e=)) [NOTE: You can skim most of this agreement but thoroughly read Section K, particularly the paragraph regarding “Governing Law”]

**LAW 6350- Law & Procedure US & Florida U01, U10**

**Professor Ruiz and Grossman**

First Week Assignment:

Week of 1/6/20: Introduction

Topics Covered: (1) Course Introduction; (2) Introduction to the Florida Bar Exam

Assignments for First Class:

(1) Log into Canvas at https://canvas.fiu.edu . Complete all the assignments for the modules titled “Before the Semester Begins.”

(2) Be prepared to pay $100 for the course book during our first class. Payment is accepted in-class via a check or credit card. Checks should be made payable to “Barbri”. The book purchase form will be provided in class.

(3) Attend class ready to succeed on the bar exam!

**LAW 6361- Pre-Trial Practice**

**Professor Fingerhut**

First Week Assignment:

**Tuesday, January 7, 2020 (first lecture)**

From our course text, Pretrial Advocacy, please read Chapter 1 (“The Pretrial Advocate’s World”).

From the Rules Regulating The Florida Bar, read the Preamble to Chapter 4 (“A Lawyer’s Responsibilities”).

Please also read the Preamble and Scope of the American Bar Association’s Model Rules of Professional Conduct.

Read as well, from the Trial Lawyers Section of The Florida Bar, their Creed of Professionalism, Preamble, and General Principles, all part of the section’s Guidelines for Professional Conduct.

And finally, from In re: Aldo A. Pina, pages 1-38 of this court order.

**Thursday, January 9, 2020 (second lecture)**

From our course text, carefully read through the entire case files (civil and criminal) and all supplemental materials -- which you will find here. Click first on “Fifth Edition,” then “Access For Others,” then type in (do not cut-and-paste) the following password: PreTrOtKD$. Here is where you will find our Case Files, Exemplary Forms, Movies, and Additional Materials.

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Notes: In this class, laptops are permitted solely for the purpose of our classwork. Students are also expected each class to have with them/access to (whether by hard copy or computer) all relevant materials assigned and may be covered in lecture.

**LAW 6383- Mediation**

**Professor Klein**

First Week Assignment:

The students should read and think about the relevance of this article to the course.



**LAW 6425- Construction Law**

**Professor Leiby**

First Week Assignment:

**1  -- Preparation for Construction**

**Sections 1:12 through 1:16; 2:1, 2:2, 2:7, 2:12, 21:2 and 21:3, Florida Construction Law Manual.**     Florida Statutes 489.128 and 768.0425

**Learning Points**:

Introduction to becoming a construction lawyer

Owner investigation and viewpoint of the Owner in the construction process

Construction and Design Licensing authority and jurisdiction

Distinction between Contractor License requiring competency and occupational license tax

Effect of arbitrary discretion in licensing

Disciplinary action for contractors

The effect of contracting without a required license

Potential statutory remedies for persons harmed by an unlicensed contractor

**Cases**:

1 Fluor Enterprises, Inc. v. Revenue Div., Dept. of Treasury, 477 Mich. 170, 730 N.W.2d 722

(Mich. 2007).

2 Martinez v. Goddard, 521 F.Supp.2d 1002 (D. Ariz. 2007)

3 Florida Home Builders Ass'n v. St. Johns County, 914 So.2d 1035 (Fla. 5th DCA 2005)

4 Leslie Miller, Inc. v. State of Arkansas, 352 U.S. 187, 77 S.Ct. 257 (1956)

5 Godshalk v. City of Winter Park, 95 So.2d 9 (Fla. 1957)

6 D&L Harrod, Inc.v. U.S. Precast Corp., 322 So.2d 630 (Fla. 3rd DCA 1975)

7 Alfred Karram, III, Inc. v. Cantor, 634 So.2d 210 (Fla. 4th DCA 1994)

8 Earth Trades, Inc. v. T&G Corp., 108 So.3d 580 (Fla. 2013)

9 In re Hebert, 2011 WL 351667 (Bkrptcy. E.D. La. 2011)

10 Home Constr. Mgmt. v Comet, Inc., 125 So.3d 221 (Fla. 4th DCA 2013)

11 Camejo v. Department of Bus. & Prof. Reg., 812 So.2d 583 (Fla. 3rd DCA 2002)

12 RTM Gen. Contractors, Inc. v. G/W Riverwalk, LLC, 893 So.2d 583 (Fla. 2nd DCA 2004)

1 Hunt v. Department of Prof. Reg., CILB, 444 So.2d 997 (Fla. 1st DCA 1983)

2 Jonas v. Florida Dept. of Bus. and Prof. Regulation, 746 So.2d 1261 (Fla. 3rd DCA 2000)

**LAW 6430- Wills and Trusts**

**Dean Rodriguez-Dod**

First Week Assignment:

**WILLS AND TRUSTS SYLLABUS – Spring 2020**

Professor Eloisa C. Rodriguez-Dod

FIU College of Law

LAW 6430

(305)348-3245

elrodrig@fiu.edu

RDB2024

I. Required Materials

1. Marty-Nelson, Rodriguez-Dod, Richmond, Litman, and Maurer, **FLORIDA WILLS, TRUSTS, & ESTATES CASES AND MATERIALS, Carolina Academic Press (3d ed. 2016), ISBN #978-1-61163-869-1** ("Casebook").

2. In-house, **Statutory Supplement Florida Wills, Trusts & Estates Cases and Materials (Spring 2020)**. This spiral-bound supplement will be purchased from my assistant. Please note the in-house spiral-bound statutory supplement will be the only material you will be permitted to bring in and use during the final exam for this course. For the exam, the supplement may be annotated only in the student’s own handwriting.

3. Students must enroll in the Westlaw TWEN Course created for this class (“TWEN course”). The TWEN course for this class is password protected. Students will be given the password on the first day of class.

II. Participation, Preparation and Class Attendance

1. *Attendance.* This course will follow the rules set forth in the law school’s Code of Academic Regulations. Students are responsible for signing the attendance sheet. Those who do not sign the attendance sheet shall be presumed absent from class.

2. *Standard Preparation for Class.* Students are expected to be prepared for every class. Preparation includes reading and analyzing the materials assigned and thoughtfully answering the assigned questions in the casebook and the quizzes on TWEN. In addition, students are expected to dedicate at least 120 hours outside of class throughout the semester in completing the reading assignments and TWEN quizzes and in participating in TWEN postings and discussions.

3. *Poor Participation Will Affect Grades.* TWEN quizzes will be assigned throughout the semester. Completion of the TWEN quizzes will count toward the student’s participation score. The participation score can result in a student receiving a bump up (or down) to the next available grade if the participation is particularly superior (or poor). Note that many students’ grades will be determined solely by their final examination because their participation will be a neutral factor.

4. *Targeted Use of* *Laptops and other Electronic Devices During Class.* Students may only use laptops and other electronic devices (notebooks, iPads, etc.) during class for purposes directly related to the course (e.g., taking notes, reviewing briefs, responding to TWEN or other assignments). Accordingly, during this class students are specifically prohibited from (1) emailing, texting, and messaging or (2) accessing any file, program, or website other than those assigned by the professor. If, in the opinion of the professor, a student is distracted from class participation by a laptop or other electronic device, or if a student’s use of such a device is interfering with the classroom experience of any other student, the professor may prohibit use of electronic devices entirely during the course. In addition, students may not record or capture this class, or any portion thereof, without the professor’s prior written permission. Students’ attendance in class constitutes their agreement to abide honestly by these terms.

III. Class and Office Hours

Class meets on Mondays and Tuesdays from 2:00pm-3:50pm in RDB 2008. Office hours will be right after class on Wednesdays from 10:45am-11:30am and by appointment.

IV. Course Description, Course Objectives and Learning Outcomes

The intergenerational transfer of wealth in the United States is controlled by both statutory and common law principles. Competing views of the individual’s freedom of disposition and state power both to channel and to tax property have led to an interesting and complex array of legal devices and institutions. These include statutory intestacy and elective share provisions, wills, and trusts. Related topics to be addressed will include planning for incapacity, future interests in property, powers of appointment, life insurance, and introductory aspects of trust and estate administration.

By the end of the semester, students will be able to:

1) demonstrate an understanding of the law of intestacy, wills, and trusts.

2) identify issues involved in intestacy, wills, and trusts.

3) apply and interpret the relevant statutes dealing with intestacy, wills, and trusts.

4) formulate and apply legal arguments to problems involving wills, trusts, and intestacy.

5) understand various client options involved in transferring property by way of wills or trusts.

V. Examinations

The examination for this course will be **primarily closed book**. Students may have with them **only** their **in-house Statutory Supplement**. A student’s Statutory Supplement may be highlighted and may be annotated **but only in that student’s own handwriting**. Except for tabs, no material whatsoever is to be attached, stapled, etc. to the student’s Statutory Supplement. The exam may include objective questions, multiple-choice questions, essay questions or any combination of questions.

VI. Reading Assignments

**Reading Assignment #1**

Read the Preface and Chapter 1 of the Casebook. Also read the following statutes: Fla. Stat. §§222.13; 689.15; 711.507; 711.509; 731.201 (“Beneficiary”), (“Devise”), (“Devisee”), (“Estate”), (“Heirs”), (“Probate”), (“Probate of Will”), (“Trust”), (“Trustee”), (“Will”); 768.20; and 768.21.

**Reading Assignment #2**

Read pages 23-46 in Chapter 2. Also read the following statutes: Fla. Stat. §§731.103; 731.201 (“Beneficiary”), (“Child”), (“Collateral Heir”), (“Descendant”), (“Heirs”), (“Parent”); 732.101; 732.102; 732.103; 732.104; 732.107; 732.611; and 741.211.

**LAW 6545- Employment Law**

**Professor Stone**

First Week Assignment:

Welcome to class. I look forward to meeting each of you. Please consider the following excerpt from an essay by Vicki Schultz. If you have already taken Employment Discrimination or Labor Law, you may have already have read this piece. Please read it again.

Rosabeth Moss Kanter opens her classic book, Men and Women of the Corporation, by noting:

The most distinguished advocate and the most distinguished critic of modern capitalism were in agreement on one essential point: the job makes the person. Adam Smith and Karl Marx both recognized the extent to which people's attitudes and behaviors take shape out of the experiences they have in their work.

Kanter shows, in brilliant detail, how jobs create people. In her account, people adapt their actions--indeed, even their hopes and dreams and values--to function as well as possible within the parameters established by their work roles. There is the manager whose need for trust in an organization that cannot eliminate uncertainty leads him to hire others just like him; yet exercising such social conformity in the selection process undermines the very idea of a meritocracy on which the corporation and the manager's own legitimacy is founded. There is the secretary whose higher-ups reward her for loyalty and “love” rather than performance; yet, exhibiting the very traits and behaviors expected of such a loyal subject--timidity, emotionality, parochialism, and praise addiction--undermines the secretary's perceived professionalism and, hence, her ability to move upward within the organization.

The process of adapting ourselves to our work roles does not stop at the office door or factory gate. As human beings, we are not purely instrumental, and we cannot easily compartmentalize the selves we learn to become during working hours. In fact, most of us spend more time working than doing anything else. So, it should not be surprising that the strategies we use to succeed as workers become infused into our behavior, thoughts, feelings, and senses of ourselves--our very beings--with real spillover effects in our so-called “private” lives.

Consider one of my favorite films, The Remains of the Day. Anthony Hopkins plays Mr. Stevens, the head butler to an English nobleman, Lord Darlington. Mr. Stevens's tragedy is that he so faithfully adheres to the ethic of steadfast, loyal service to his master (and, he believes, his nation) that he cannot even question, let alone condemn, the lord's deepening collaboration with the Nazis--a collaboration which ultimately disgraces the estate. At the same time, Mr. Stevens's self-effacing, dignified service as a butler so suffuses his sense of self that he cannot bring himself to even feel, let alone express, his growing love for the house's headmistress. A great butler, he is caught in a dilemma of duty that tragically undermines his capacity to serve his master, or even his own heart, in a deeper, fuller way.

Although there is tragedy in this account of work's influence, there is also reason for hope. If people's lives can be constrained in negative ways by their conception of their occupational roles, they can also be reshaped along more empowering lines by changing work or the way it is structured or understood. The literature is filled with examples of people whose lives have been transformed in positive ways through their work. One powerful set of stories comes from women who entered the skilled trades in the 1970s, when affirmative action opened nontraditional careers to women for the first time. When these women were stuck in low-paying, dead-end jobs, they showed no real commitment to work. But when new lines of work opened up to them, many women aspired for the first time to take up jobs they had never previously dreamed of doing. Although many of the women took their new jobs out of financial need, the jobs quickly became more than a paycheck; the women felt they had come into their own at last. For many, the positive effects of their new work roles on their self-esteem permeated their identities, and they found the courage to change and grow in other aspects of their lives.

As these examples suggest, it is not only academics and filmmakers who have stressed how important our work is to our identity. Ordinary folks have said so in their own words, as Studs Terkel's marvelous oral history of working people confirms. As he notes in his introduction: “This book, being about work, is, by its very nature, about violence--to the spirit as well as to the body. . . . It is, above all (or beneath all), about daily humiliations.” Yet, work also provides a foundation for our dreams: “It is about a search, too, for daily meaning as well as daily bread, for recognition as well as cash, for astonishment rather than torpor; in short, for a sort of life rather than a Monday through Friday sort of dying.”

For better or worse, the people in Terkel's book--like people everywhere-- testify that work matters. Whether they feel beaten down by it, bored by it, or inspired by it, it affects who they are profoundly. They ask someone, “Who are you?,” and they answer, “I'm an autoworker,” or “a nurse.” Most fundamentally, they define ourselves in terms of the work they do for a living.

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Vicki Schultz, Life’s Work, 100 COLUM. L. REV. 1881, 1890 -1892 (2000).

Work is important. Work underlies the identity of many Americans. The law of the workplace is fascinating because it forces legislators, triers of fact, and triers of law to grapple with the nuances of the life of the workplace: the human psyche, interpersonal exchanges, and the dynamics that exist between groups and individuals. Unlike in many countries, like Canada, France, Germany, Great Britain, Italy, Japan, and Sweden, which all have statutory provisions requiring employers to show good cause prior to discharging employees, employment in the United States is presumed to be at-will. This means that any employer may hire, fire, and set up terms and conditions for its employees as it sees fit. Atop this presumption, however, is engrafted legislation and sometimes judge-made law that dictates restrictions on how and why changes in the terms and conditions of one’s employment (including hiring and firing) may be implemented. This class will focus on surveying the law of the workplace, addressing issues like workplace privacy, free speech in the workplace, whistleblowing, and employment discrimination.

Please familiarize yourself with the basic dictates of these statutes in your Supplement prior to the first class.

Assignments for the First Week: (Classes 1 & 2): You are responsible for consulting the Statutory Supplement when assigned pages in the main text make reference to legislation or regulations. I will be assuming your detailed knowledge of relevant legislation, regulations, etc.

1. Please read U.S.-BASED MULTINATIONAL EMPLOYERS AND THE SOCIAL CONTRACT OUTSIDE THE UNITED STATES, by Donald C. Dowling Jr., which may be found at 26 ABA J. Lab. & Emp. L. 77 . Please think about whether you have witnessed or experienced discrimination in an employment or other setting. Be prepared to discuss the article in detail and to ground your discussion in your understanding of the assigned material.

2. Please read your casebook pp. 1-40.

3. Please sign up for the class’s TWEN page (password=fiuemploymentlaw).

4. Please read the Class Policy on Attendance, Participation, Grading, etc. below. You are responsible for knowing and abiding by class policies as of the first day of class, so please read them all very carefully. Please note that you are expected to attend each class prepared and punctually. A failure to abide by the class's attendance, preparedness, or punctuality requirements can result in your not being permitted to sit for the final exam.

Class Policy on Attendance, Participation, Grading, etc.

· \*\*\*Please note that you may not bring a laptop computer into class with you. It is crucial to your development as a professional and as an attorney that you develop the skill of discussing and referencing the law without the refuge of a laptop. In most courtrooms, partners’ offices, and conference rooms, you will not be permitted to transcribe notes on, consult with, or communicate with others via a laptop computer, and your training in this class should prepare you well for those situations.

· You may not have out or use any cell phone or electronic device to talk, IM, text, or otherwise communicate with any person during class (inside or outside of the classroom).

· There is no such thing as an “excused absence” in this class. This means that I never need to be notified about an individual absence of yours or the reason for it. Both the American Bar Association and the College of Law require that you attend class regularly and punctually. Under these rules, you are required to attend at least 85% of scheduled class hours in order to be permitted to sit for the final exam. The purpose of the policy is for you to be able to miss class due to such reasons as illness or emergencies. For this reason, I do not differentiate between ‘excused’ and ‘unexcused’ absences. I am required to turn over the name of any student in violation of this policy to the administration. An attendance sheet will be passed around at the beginning of each class. Please make sure you initial it. If you do not initial the attendance sheet you will be deemed absent from class. It is YOUR RESPONSIBILITY to keep track of the number of classes you have missed; my assistant should not be asked to provide this information to anyone. Please note that because I do not distinguish between excused and unexcused absences, you are advised to “save” your allotted absences for things like illnesses, emergencies, etc. You may not have any single absence “excused” and then use the remainder in such a way that you miss more than 15% of the classes. Once you miss more than 15% of the classes for any reason, you must explain yourself to the Dean’s office and you will likely not be eligible to sit for the final exam. There will be no exceptions made to this policy.

· Your grade in this class will be based on a final examination. In addition, class preparation and participation will be a factor in your final grade. Your final examination grade may be increased or decreased by one-half letter (e.g., from B to B+, or B+ to B), based on your class preparation, performance, and participation. The quality of your class participation is more important than the quantity. Performance includes compliance with my instructions and professionalism (including arriving at class promptly, the way in which you comport yourself, etc.). This means that if you have distinguished yourself in a good way, and a classmate has distinguished herself in a bad way, you walk into your final exam with a half a grade higher than that which you will actually earn on the exam, and she walks in already having been taken down a half of a grade; if you both earn B’s on the exam, you will get a B+, and she will get a B-. Further grade deflation, when approved by the Dean’s office, may occur in response to excessive lateness or absences or other unprofessional or disruptive actions.

· Class will start and end promptly. If you are late, you may come to class, but you may NOT sign the attendance sheet for that day. I am permitted to count a lateness as an absence. Lateness will be recorded on a special “late” attendance sheet. Students who seek to sign the “late” attendance sheet must see me after class. Please note that I allow latecomers into the classroom because I would rather have you in class than not in class, BUT I view lateness by any amount of time as a distraction, as will your classmates, so coming to class late may cause your course grade may suffer as well. If you are nervous about punctuality, you are advised to arrive a few minutes early. This lateness policy is subject to revision.

· We will often engage in a question-guided discussion in class. I will call on students at random. This system is not meant to intimidate students; rather, it is designed to facilitate your disciplined preparation for class, hone your oral communication skills and keep a steady class pace. You are expected to be prepared when you are called on. Being unprepared or ill-prepared when called upon will usually have a negative effect on your grade. You may, up to two times during the semester, e-mail AT LEAST AN HOUR BEFORE class begins to let me know that you are not prepared to be called upon, and I will not call on you. This should only be done in the event of a true emergency that prevents you from reading for class. You may not participate in that day’s class in any way once you have done this, and you should be on notice that you do not have to use a “pass”; in fact, it will be difficult for a student who has made use of a pass to receive a grade bump-up. In this vein, you are advised to complete your reading and review class materials in the days leading up to a class; very often, students find that traffic or unexpected events keep them from reading for class when they plan to read the day of class. This is why reading the day of class is ill-advised.

· You are responsible for getting the class notes and completing the reading for any class that you miss for any reason. Once you’ve done these things, you may e-mail me any specific questions that you have about the material, and I will arrange to meet with you.

· You will be expected to stay in your seat for the duration of the class session. If you need to use the restroom during class, either pursuant to a disability that the Dean’s office has on record, or due to an emergency, you should do so, but short of that, it is expected that you will not get out of your seat during class.

· These policies and regulations have been created to ensure the evenhanded treatment of all students, the professional development of students, and the most productive classroom environment possible. No exceptions to these policies and regulations are contemplated.

**LAW 6550- Antitrust**

**Professor Travis**

First Week Assignment:

1. Please read Digital Dominance, ISBN: 0190845112, pp 1-13, 16-18, 21-28

2. As you read, please consider the potential justifications for having laws regulating the size or power of companies, either individually or in associations.  What public policies should be controlling in framing such regulations: a level playing field for other producers in the same industry, low prices for the consumer, independence of smaller businesses from any one supplier or service provider, the history of or potential for political corruption, the danger of income inequality, the competitiveness and efficiency of the sector or the country, or other policies?  If there are other powerful and successful companies that provide the same service as one that is "dominant," is the dominance of the company less dangerous to the public?

3. Sign up for TWEN and access the syllabus.

**LAW 6576- Trademarks and Geographical Indicators**

**Professor Osei Tutu**

First Week Assignment:

1. Identify a trademark that you rely on.

2. Read Dinwoodie, Foundations of Trademark Law 5th edition, pp. 3-18, 28-37.

**LAW 6583- Education Law**

**Professor Carbajal De Garcia**

First Week Assignment:

Week 1 (January 6th and 7th)

Introduction and Overview

Text, Chapter 1, pp.1-34; 62-65 and supplemental material posted on

https://www.nacua.org/docs/default-source/about-section/svupdates\_1-31-17.pdf?sfvrsn=b8186dbe\_10

CASES: Howard University v. Best, 547 A.2d 144 (D.C. Cir. 1988)

Krotkoff v. Goucher College, 585 F.2d 675 (4th Cir. 1978)

Krynicky v. University of Pittsburgh, 742 F.2d 94 (3d Cir. 1984)

I. Introduction to the Course

II. Law in American Colleges and Universities

III. The Public / Private Dichotomy

IV. Governance

**LAW 6710- Family Law**

**Professor Choudhury**

First Week Assignment:

Wednesday: read syllabus

Thursday: chapter 1, pages 1-20.

**LAW 6720- Health Law**

**Professor Foley**

First Week Assignment:

Class #1:  Read pp. 33-76 of Furrow casebook  (8th ed.), which discusses licensing of health care professionals, including discipline, complementary/alternative medicine, unlicensed providers and scope of practice regulation.

**LAW 6723- Community Lawyering Clinic**

**Professor Batista**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**LAW 6750- Professional Responsibility**

**Professor Kotey**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**Legal Skills and Values III**

**LAW 6797- Legal Skills and Values III**

**Sections: U01, U02, U03, U10, U11, U12, U13, U14, U15, U16**

**All Professors**

First Week Assignment:

**LSV III - ALL MON/WED SECTIONS**

**MONDAY, JANUARY 6**

Topics: Course Introduction; Cover Letters & Résumés

Assignment -

Before this class session, **carefully and fully read** the following information: (1) Course Information & Syllabus, (2) First Assignment, and (3) A Professional Development Handbook (re: cover letters and résumés).**(Note: The readings listed above will be emailed to the students registered for LSV III about January 2.  You should then draft your Cover Letter & Résumé.)**

**At the beginning of our first class on Monday, January 6, submit your draft Cover Letter & Résumé.**

**WEDNESDAY, JANAURY 8**

Topics: Critiquing & Revising the Draft Cover Letters & Résumés; Introduction to Second Assignment; Contracts & Drafting Contracts;

Legal Research – Substance & Contract Forms

Assignment -

Read Fajans, Falk, & Shapo, *Writing for Law Practice* 11-12 (Foundation Press 4th ed. 2015) (Adapting Boilerplate)

Read the Rules Regulating the Florida Bar, Preamble (the Florida rules regulating attorneys and their professional conduct)

Read R. Regulating Fla. Bar 4-1.1 (Competence)

Read R. Regulating Fla. Bar 4-1.3 (Diligence)

Read R. Regulating Fla. Bar 4-1.4 (Communication)

**(Note: The Rules Regulating the Florida Bar will be emailed to all students registered for LSV III.)**

After this class, conduct your substantive legal research; be prepared to discuss your research findings in class Monday, January 13.

**At the beginning of our next class (Monday, January 13), submit your Final Cover Letter & Résumé**.

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**LSV III - ALL TUES/THURS SECTIONS**

**TUESDAY, JANUARY 7**

Topics: Course Introduction; Cover Letters & Résumés

Assignment -

Before this class session, **carefully and fully read** the following information: (1) Course Information & Syllabus, (2) First Assignment, and (3) A Professional Development Handbook (re: cover letters and résumés).  **(Note: The readings listed above will be emailed to the students registered for LSV III about January 2.  You should then draft your Cover Letter & Résumé.)**

**At the beginning of our first class on Tuesday, January 7, submit your draft Cover Letter & Résumé.**

**THURSDAY, JANUARY 9**

Topics: Critiquing & Revising the Draft Cover Letters & Résumés; Introduction to Second Assignment; Contracts & Drafting Contracts;

Legal Research – Substance & Contract Forms

Assignment -

Read Fajans, Falk, & Shapo, *Writing for Law Practice* 11-12 (Foundation Press 4th ed. 2015) (Adapting Boilerplate)

Read the Rules Regulating the Florida Bar, Preamble (the Florida rules regulating attorneys and their professional conduct)

Read R. Regulating Fla. Bar 4-1.1 (Competence)

Read R. Regulating Fla. Bar 4-1.3 (Diligence)

Read R. Regulating Fla. Bar 4-1.4 (Communication)

**(Note: The Rules Regulating the Florida Bar will be emailed to all students registered for LSV III.)**

After this class, conduct your substantive legal research; be prepared to discuss your research findings in class on Tuesday, January 16.

**At the beginning of our next class (Tuesday, January 16), submit your Final Cover Letter & Résumé**.

**LAW 6821- Estate and Gift Tax**

**Professor Hesch**

First Week Assignment:

1. History and Policies

Text pp. 3 to 17 and 17 to 19.

1. Determination of a taxpayer’s property

Text at pp. 25 to 31.

Problem at p. 31.

Given that the estate and gift taxes are excise taxes on a taxpayer’s transfer of property, how do the tax laws determine if a taxpayer has property? Note that there is no definition of property in the Internal Revenue Code.

**LAW 6823- Law Practice Technology**

**Professor Laskowski**

First Week Assignment:

**Readings before first class:**

Cat Moon, [Delta Model Lawyer: Lawyer Competencies for the Computational Age](https://urldefense.proofpoint.com/v2/url?u=https-3A__law.mit.edu_pub_deltamodellawyer&d=DwMGaQ&c=lhMMI368wojMYNABHh1gQQ&r=m2kw6HjgOjRdwR1xsRJ2Xw&m=BNpFbMEWmPJdD4RgBczg-BQHZ7VG8NcODxyU-F4hUKA&s=1aAIAW6qBveA-EOqmxg-dspuDdg-xxF7txEqBo0okr0&e=), MIT Computational Law Report, Dec 06, 2019.   
Robert Ambrogi, [38 States Have Adopted Ethical Duty of Technology Competence](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.lawsitesblog.com_tech-2Dcompetence&d=DwMGaQ&c=lhMMI368wojMYNABHh1gQQ&r=m2kw6HjgOjRdwR1xsRJ2Xw&m=BNpFbMEWmPJdD4RgBczg-BQHZ7VG8NcODxyU-F4hUKA&s=oomc2L2njI3YqJYlvYv1lrfjIKPLJMkihFJyvOVFFd0&e=), LAW SITES, last visited Dec. 17, 2019.

**LAW 6824- International Legal Research**

**Professor Reich**

First Week Assignment:

No Assignment

**LAW 6860- Banking and Financial Regulations**

**Professor Martin**

First Week Assignment:

**LAW 6862- Torts and Criminal Wrongs**

**Professor Weismann**

First Week Assignment:

**\*READ THE SYLLABUS AND REVIEW “Course Content” ON Canvas**

**I.  CIVIL WRONGS: TORT AND ADMINISTRATIVE LAW**

**Corporate Existence and Liability: An Exercise in Legal Fiction and Self-Regulation**

Class 1

1/7/2020

**Topics:**  The legal attributes of a corporation; capital structure; types of securities: formal and functional characteristics; theories of corporate entity liability including respondeat superior, fiduciary duty and conflicts of interest; fiduciary duty of banks in customer transactions; corporate legal privileges; and, the criminalization of corporate conduct.

**Assignments:**

**text:** Klein and Coffee text, pp. 112-118; 122-27; 131-41; 177-185

**canvas:**

\*Article: George Kuney, “Everything I needed to Know About Enron I Learned in Kindergarten (and Graduate School)”

\*read all case excerpts:

*N.Y. Central and Hudson River R.R. Co. v. U.S.;*

*U.S. v. Bank of New England;*

*Upjohn v. U.S.; Braswell v. U.S;*

*Brown v. Wells Fargo*



**LAW 6864- BSA and AML I**

**Professor Fernandez**

First Week Assignment:

No Assignment

**LAW 6866- BSA and AML II**

**Professor Hirsch**

First Week Assignment:

1. Curriculum Overview, Class Expectations, and the Basics of Anti-Money Laundering and

Terrorist Financing

i. The Three Stages:

1. Placement

2. Layering

3. Integration

ii. Foundations of a BSA Program – The Four Pillars:

1. Internal Controls

2. BSA Officer

3. Training

4. Independent Audit

**LAW 7225- Transnational Disputes**

**Professor Peral and Garcia**

First Week Assignment:

No Assignment

**LAW 7303- Florida Civil Practice**

**Professor Rodriguez**

First Week Assignment:

1/6   Pages 3 to35

1/7   Pages 36-58

**LAW 7511- First Amendment Law**

**Professor Baker**

First Week Assignment:

**Required Books:** Arthur D. Hellman, William D. Araiza, Thomas E. Baker & Ashutosh A. Bhagwat, First Amendment Law: Freedom of Expression and Freedom of Religion (Carolina Academic Press 4th ed. 2018) and the 2019 Supplement (downloadable at the [Carolina Academic Press website](https://cap-press.com/books/isbn/9781531009403/First-Amendment-Law-Fourth-Edition) or on TWEN). The casebook also is available from the publisher as an eBook or in a loose leaf format which is less expensive and may be to your liking.

**For the first day of class, Tuesday, January 7:**

1. Read the first amendment — think about it — really think about what it means. What do you think you know about it? Be ready to discuss it.
2. Read the Preface in the casebook.
3. Register with your Westlaw password on the TWEN site for the course: http://lawschool.westlaw.com/twen/.
4. Download and read the “Casebook Problems Assignment” that explains how you will be graded in this course.
5. Download and read the “Checklist for First Amendment Problems.”
6. Download and read “10 Suggestions for Interlocutors” that describes the duties of Interlocutors — three students will sign up in advance to act as Interlocutors for each class meeting.
7. Download and read “Class Participation (Optional) Extra Credit” that describes how you can earn extra participation credit.
8. Bring these four (4) downloaded documents (#4 to #7 above) to the first class meeting.

\* \* \* \*

* Be professional and respectful of others.
* Make it a habit to be on time. If you are late for class, i.e., if I have begun talking, you should use the back door and sit in the back row so as not to unduly disturb the rest of us. The clock in the classroom is the official time.

* Use your laptop *only* for class-related tasks — this privilege will be suspended if there is significant misuse —and be sure to turn off your cell phone. Before you use a laptop in class read [this article](https://www.nytimes.com/2017/11/22/business/laptops-not-during-lecture-or-meeting.html) in the New York Times.
* Do not wear a hat during class.

**LAW 7549- Employment Discrimination**

**Professor Stone**

First Week Assignment:

Welcome to class. I look forward to meeting each of you. Please consider the following excerpt from an essay by Vicki Schultz. If you have already taken Employment Law or Labor Law, you may have already have read this piece. Please read it again.

Rosabeth Moss Kanter opens her classic book, Men and Women of the Corporation, by noting:

The most distinguished advocate and the most distinguished critic of modern capitalism were in agreement on one essential point: the job makes the person. Adam Smith and Karl Marx both recognized the extent to which people's attitudes and behaviors take shape out of the experiences they have in their work.

Kanter shows, in brilliant detail, how jobs create people. In her account, people adapt their actions--indeed, even their hopes and dreams and values--to function as well as possible within the parameters established by their work roles. There is the manager whose need for trust in an organization that cannot eliminate uncertainty leads him to hire others just like him; yet exercising such social conformity in the selection process undermines the very idea of a meritocracy on which the corporation and the manager's own legitimacy is founded. There is the secretary whose higher-ups reward her for loyalty and “love” rather than performance; yet, exhibiting the very traits and behaviors expected of such a loyal subject--timidity, emotionality, parochialism, and praise addiction--undermines the secretary's perceived professionalism and, hence, her ability to move upward within the organization.

The process of adapting ourselves to our work roles does not stop at the office door or factory gate. As human beings, we are not purely instrumental, and we cannot easily compartmentalize the selves we learn to become during working hours. In fact, most of us spend more time working than doing anything else. So, it should not be surprising that the strategies we use to succeed as workers become infused into our behavior, thoughts, feelings, and senses of ourselves--our very beings--with real spillover effects in our so-called “private” lives.

Consider one of my favorite films, The Remains of the Day. Anthony Hopkins plays Mr. Stevens, the head butler to an English nobleman, Lord Darlington. Mr. Stevens's tragedy is that he so faithfully adheres to the ethic of steadfast, loyal service to his master (and, he believes, his nation) that he cannot even question, let alone condemn, the lord's deepening collaboration with the Nazis--a collaboration which ultimately disgraces the estate. At the same time, Mr. Stevens's self-effacing, dignified service as a butler so suffuses his sense of self that he cannot bring himself to even feel, let alone express, his growing love for the house's headmistress. A great butler, he is caught in a dilemma of duty that tragically undermines his capacity to serve his master, or even his own heart, in a deeper, fuller way.

Although there is tragedy in this account of work's influence, there is also reason for hope. If people's lives can be constrained in negative ways by their conception of their occupational roles, they can also be reshaped along more empowering lines by changing work or the way it is structured or understood. The literature is filled with examples of people whose lives have been transformed in positive ways through their work. One powerful set of stories comes from women who entered the skilled trades in the 1970s, when affirmative action opened nontraditional careers to women for the first time. When these women were stuck in low-paying, dead-end jobs, they showed no real commitment to work. But when new lines of work opened up to them, many women aspired for the first time to take up jobs they had never previously dreamed of doing. Although many of the women took their new jobs out of financial need, the jobs quickly became more than a paycheck; the women felt they had come into their own at last. For many, the positive effects of their new work roles on their self-esteem permeated their identities, and they found the courage to change and grow in other aspects of their lives.

As these examples suggest, it is not only academics and filmmakers who have stressed how important our work is to our identity. Ordinary folks have said so in their own words, as Studs Terkel's marvelous oral history of working people confirms. As he notes in his introduction: “This book, being about work, is, by its very nature, about violence--to the spirit as well as to the body. . . . It is, above all (or beneath all), about daily humiliations.” Yet, work also provides a foundation for our dreams: “It is about a search, too, for daily meaning as well as daily bread, for recognition as well as cash, for astonishment rather than torpor; in short, for a sort of life rather than a Monday through Friday sort of dying.”

For better or worse, the people in Terkel's book--like people everywhere-- testify that work matters. Whether they feel beaten down by it, bored by it, or inspired by it, it affects who they are profoundly. They ask someone, “Who are you?,” and they answer, “I'm an autoworker,” or “a nurse.” Most fundamentally, they define ourselves in terms of the work they do for a living.

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Vicki Schultz, Life’s Work, 100 COLUM. L. REV. 1881, 1890 -1892 (2000).

Work is important. Work underlies the identity of many Americans. The law of the workplace is fascinating because it forces legislators, triers of fact, and triers of law to grapple with the nuances of the life of the workplace: the human psyche, interpersonal exchanges, and the dynamics that exist between groups and individuals. Unlike in many countries, like Canada, France, Germany, Great Britain, Italy, Japan, and Sweden, which all have statutory provisions requiring employers to show good cause prior to discharging employees, employment in the United States is presumed to be at-will. This means that any employer may hire, fire, and set up terms and conditions for its employees as it sees fit. Atop this presumption, however, is engrafted legislation and sometimes judge-made law that dictates restrictions on how and why changes in the terms and conditions of one’s employment (including hiring and firing) may be implemented. This class will focus primarily on several pieces of federal legislation that regulate status-based employment discrimination: Title VII of the Civil Rights Act of 1964 (race, color, sex, religion, national origin), the ADEA (age), and the ADA (disability), as well as the jurisprudence that construes and applies them.

Please familiarize yourself with the basic dictates of these statutes in your Supplement prior to the first class.

Assignments for the First Week: (Classes 1 & 2): You are responsible for consulting the Statutory Supplement when assigned pages in the main text make reference to legislation or regulations. I will be assuming your detailed knowledge of relevant legislation, regulations, etc.

1. Please read The Id, the Ego, and Equal Protection in the 21st Century: Building Upon Charles Lawrence’s Vision to Mount a Contemporary Challenge to the Intent Doctrine, by Eva Paterson, Kimberly Thomas Rapp, Sara Jackson, which may be found at 40 Conn. L. Rev. 1175. Please think about whether you have witnessed or experienced discrimination in an employment or other setting. Be prepared to discuss the article in detail and to ground your discussion in your understanding of the assigned material.

2. Please read your casebook pp. 1-62 (you may skim the Notes and Questions)

3. Please sign up for the class’s TWEN page (password=fiuemploymentdiscrimination).

4. Please read the Class Policy on Attendance, Participation, Grading, etc. below. You are responsible for knowing and abiding by class policies as of the first day of class, so please read them all very carefully. Please note that you are expected to attend each class prepared and punctually. A failure to abide by the class's attendance, preparedness, or punctuality requirements can result in your not being permitted to sit for the final exam.

Class Policy on Attendance, Participation, Grading, etc.

· \*\*\*Please note that you may not bring a laptop computer into class with you. It is crucial to your development as a professional and as an attorney that you develop the skill of discussing and referencing the law without the refuge of a laptop. In most courtrooms, partners’ offices, and conference rooms, you will not be permitted to transcribe notes on, consult with, or communicate with others via a laptop computer, and your training in this class should prepare you well for those situations.

· You may not have out or use any cell phone or electronic device to talk, IM, text, or otherwise communicate with any person during class (inside or outside of the classroom).

· There is no such thing as an “excused absence” in this class. This means that I never need to be notified about an individual absence of yours or the reason for it. Both the American Bar Association and the College of Law require that you attend class regularly and punctually. Under these rules, you are required to attend at least 85% of scheduled class hours in order to be permitted to sit for the final exam. The purpose of the policy is for you to be able to miss class due to such reasons as illness or emergencies. For this reason, I do not differentiate between ‘excused’ and ‘unexcused’ absences. I am required to turn over the name of any student in violation of this policy to the administration. An attendance sheet will be passed around at the beginning of each class. Please make sure you initial it. If you do not initial the attendance sheet you will be deemed absent from class. It is YOUR RESPONSIBILITY to keep track of the number of classes you have missed; my assistant should not be asked to provide this information to anyone. Please note that because I do not distinguish between excused and unexcused absences, you are advised to “save” your allotted absences for things like illnesses, emergencies, etc. You may not have any single absence “excused” and then use the remainder in such a way that you miss more than 15% of the classes. Once you miss more than 15% of the classes for any reason, you must explain yourself to the Dean’s office and you will likely not be eligible to sit for the final exam. There will be no exceptions made to this policy.

· Your grade in this class will be based on a final examination. In addition, class preparation and participation will be a factor in your final grade. Your final examination grade may be increased or decreased by one-half letter (e.g., from B to B+, or B+ to B), based on your class preparation, performance, and participation. The quality of your class participation is more important than the quantity. Performance includes compliance with my instructions and professionalism (including arriving at class promptly, the way in which you comport yourself, etc.). This means that if you have distinguished yourself in a good way, and a classmate has distinguished herself in a bad way, you walk into your final exam with a half a grade higher than that which you will actually earn on the exam, and she walks in already having been taken down a half of a grade; if you both earn B’s on the exam, you will get a B+, and she will get a B-. Further grade deflation, when approved by the Dean’s office, may occur in response to excessive lateness or absences or other unprofessional or disruptive actions.

· Class will start and end promptly. If you are late, you may come to class, but you may NOT sign the attendance sheet for that day. I am permitted to count a lateness as an absence. Lateness will be recorded on a special “late” attendance sheet. Students who seek to sign the “late” attendance sheet must see me after class. Please note that I allow latecomers into the classroom because I would rather have you in class than not in class, BUT I view lateness by any amount of time as a distraction, as will your classmates, so coming to class late may cause your course grade may suffer as well. If you are nervous about punctuality, you are advised to arrive a few minutes early. This lateness policy is subject to revision.

· We will often engage in a question-guided discussion in class. I will call on students at random. This system is not meant to intimidate students; rather, it is designed to facilitate your disciplined preparation for class, hone your oral communication skills and keep a steady class pace. You are expected to be prepared when you are called on. Being unprepared or ill-prepared when called upon will usually have a negative effect on your grade. You may, up to two times during the semester, e-mail AT LEAST AN HOUR BEFORE class begins to let me know that you are not prepared to be called upon, and I will not call on you. This should only be done in the event of a true emergency that prevents you from reading for class. You may not participate in that day’s class in any way once you have done this, and you should be on notice that you do not have to use a “pass”; in fact, it will be difficult for a student who has made use of a pass to receive a grade bump-up. In this vein, you are advised to complete your reading and review class materials in the days leading up to a class; very often, students find that traffic or unexpected events keep them from reading for class when they plan to read the day of class. This is why reading the day of class is ill-advised.

· You are responsible for getting the class notes and completing the reading for any class that you miss for any reason. Once you’ve done these things, you may e-mail me any specific questions that you have about the material, and I will arrange to meet with you.

· You will be expected to stay in your seat for the duration of the class session. If you need to use the restroom during class, either pursuant to a disability that the Dean’s office has on record, or due to an emergency, you should do so, but short of that, it is expected that you will not get out of your seat during class.

· These policies and regulations have been created to ensure the evenhanded treatment of all students, the professional development of students, and the most productive classroom environment possible. No exceptions to these policies and regulations are contemplated.

**LAW 7804- US Law II- LL.M.**

**Professor Simon**

First Week Assignment:

01/08/20 1 - Introduction

Appendix 1 (How to Read and Brief a Case)

Appendix 2 (Common Law Method)

Appendix 3 (Interpretation of Statutes)

**LAW 7948- Small Business Clinic**

**Professor Little**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**Trial Advocacy & Advanced Trial Advocacy**

**LAW 6363- Trial Advocacy**

**All Sections**

**All Professors**

First Week Assignment

**Monday and Tuesday, January 6 and 7, 2020 (first PRACTICE SECTIONS)**

Students will be given an “Introduction to the Courtroom” by their practice section coach.

No advance preparation is required.

All materials will be provided in class.

Dress for this all future practice sessions is APPROPRIATE COURTROOM ATTIRE. If students have any questions about what this means, please email me promptly (at fingerhut@fiu.edu) to let me know.

Note: This is a no-laptop learning environment (absent express permission otherwise by the professor). All materials to be worked on should be printed out before each practice session and placed in your trial notebook (see below).

**Wednesday, January 8, 2020 (first LECTURE)**

ALL STUDENTS must come to class prepared to stand and deliver (WITHOUT NOTES) a favorite/meaningful passage -- or portion thereof -- from any song, movie, poem, book, etc., and also be prepared to explain its personal significance. The passage selected MUST be between 10 and 20 seconds long (no more, no less).

To serve as your TRIAL NOTEBOOK for the semester, students MUST bring to this first lecture a LEGAL-SIZED ACCORDION FOLDER (preferably heavy duty, 7” expansion), with to-be-labeled letter-size manila file folders placed within.

From our course text, Fundamental Trial Advocacy, please read Chapter 1 (“The Best Way to Learn Advocacy”), Chapter 2 (“Lawyers, Judges, & Juries”), and Chapter 3 (“Case Analysis”).

From our other course text, Florida Trial Objections, please read up on and be prepared to discuss the concepts of RELEVANCE and UNFAIR PREJUDICE, et al., as provided under the relevant pages covering Fla. Evid. Code ss. 90.402, 90.401, and 90.403.

From the Rules Regulating The Florida Bar, please read from Chapter 4 (Rules of Professional Conduct) both the Preamble (“A Lawyer’s Responsibilities”) and Rule 4-3 (“Advocate”).

Dress for this and all future lectures is APPROPRIATE LAW SCHOOL ATTIRE.

Reminder: Class lecture, too, is a No Laptop learning environment (absent express permission otherwise by the professor). In addition, all materials assigned and to be worked on should be printed out before lecture and placed in your trial notebook.

**LAW 7364- Advanced Trial Advocacy**

**Professor Smith**

First Week Assignment:

**Tuesday, January 7, 2020 (first performance)**

Each student will present a four (4) minute Opening Statement.  The case -- which may be civil or criminal -- is about a fight between two (2) high school students on campus.  You must fill in all of the other facts.  I will be looking for presence, poise, a persuasive theory, a memorable theme, and the use of words that help the listener to see the action.

Advocacy Drills will also be performed in this session.  You must memorize the Pledge of Allegiance for use in one drill.  Other materials will be distributed during the class.

Dress for this and all performance sessions is appropriate courtroom attire.

**Thursday, January 9, 2020 (first lecture)**

In our main course text, *Trial Advocacy: Planning, Analysis & Strategy*, students must read and outline Chapter 3 – Case Theory and Theme Development.  Do NOT include for your outline the Checklist on pages 59-61.  Students shall turn in a copy of their outline at the beginning of class.

In our supplemental text, *Florida Trial Objections*, please read pages 5-7 (Speaking Objections), 9-11 (Trial Objections, 116-117 (Irrelevant), and 148-149 (Prejudicial or Inflammatory).

Turn in one (1) page listing 12 commercial tag lines (for example, “Just Do it,” by Nike).

Lastly, please watch [this](https://www.americanbar.org/news/abanews/aba-news-archives/2018/08/social_justice_activ/) video of Professor Bryan Stevenson, founder and executive director of the Equal Justice Initiative, speaking to the American Bar Association General Assembly at the ABA annual meeting in Chicago.

After watching the video, write a report commenting on Professor Stevenson’s storytelling, passion, poise, theme, and persuasiveness.

At the top of your paper, please place your name, date, Advanced Trial Advocacy, and the assignment (Stevenson speech).

Dress for this and all lecture sessions is appropriate law school attire.

**Seminars**

**LAW 6936- Seminar: Advanced Topics in Int’l Law**

**Professor Jalloh**

First Week Assignment:

To Be Announced.

**LAW 6936- Seminar: American Caribbean Law Institute**

**Professor Kotey**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**LAW 6936- Seminar: International Criminal Practice**

**Professor Fairlie**

First Week Assignment:

Register on the TWEN site and follow the instructions.

**LAW 6936- Seminar: Citizenship and Immigration**

**Professor Roman**

First Week Assignment:

To Be Announced.

**LAW 6936- Seminar: Law at the Movies**

**Professor Fish**

First Week Assignment:

No Assignment

**LAW 6936- Seminar: Sports and Entertainment**

**Professor Travis**

First Week Assignment:

1. Please read the following article excerpts on "employees" in sports:

<https://tinyurl.com/Sports2020b>

pages 1-21 [595-614]

<https://tinyurl.com/Sports2020c>   
pages 14-27 [911-924]

2. As you read, consider how best to write or apply laws classifying participants in the sports and entertainment industries and extending rights to them.  How should values like the safety of participants, the ability of participants to negotiate a fair share of the activity's economic and reputational rewards, the independence of the activity from government control, the freedom of the participants to enter into binding agreements in exchange for the activity's pay or other benefits, competitive balance and the audience's interest in entertainment, or other values be taken into account in writing or interpreting the laws governing sports and entertainment?

3. Sign up for TWEN and access the syllabus.

**Clinics**

**LAW 6106- Death Penalty Clinic**

**Professor Harper**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**LAW 6723- Community Lawyering (Medical Legal) Clinic**

**Professors Batista, Birnholz, Parchment**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**LAW 6943- Immigration & Human Rights Clinic**

**Professor J. Gomez**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**LAW 7948- Small Business Clinic**

**Professor Little**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**Externships**

**LAW 6945/6949- Criminal and Civil & Law Firm Externship Placement**

**Professor Kotey**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)

**LAW – 6984- Judicial Externship Placement**

**Professor Scola**

First Week Assignment:

Students will be contacted directly by the program with additional information prior to the beginning of the Spring 2020 semester. Any questions, [ledesmaz@fiu.edu](mailto:ledesmaz@fiu.edu)