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**COLLEGE OF LAW**

**FALL 2022**

**JD**

**FIRST WEEK ASSIGNMENTS**

LAW 5000 U01 - Contracts

**Professor Scott Norberg**

**First Week Assignment**

Please read pages 1-41 in the casebook, David G. Epstein, et al., Cases and Materials on Contracts: Making and Doing Deals (West Academic Publishing 6th ed. 2022).  In addition, in connection with the casebook reading on Sources of Modern Contract Law, please read the following provisions in the supplement, Steven J. Burton & Melvin A. Eisenberg, Contract Law Selected Source Materials Annotated: Restatement (Second) of Contracts § 1; Uniform Commercial Code §§ 2-102, 2-105(1), and 1-103; and United Nations Convention on Contracts for the International Sale of Goods Articles 1(1), 2, 3(2), 6.  Be sure to brief the case and be prepared to discuss the questions in the reading.

LAW 5000 U02 – Contracts

**Professor Tawia Ansah**

**First Week Assignment**

**See attached document for your assignment.**

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LAW 5000 U10 - Contracts

**Professor Kerri Stone**

**First Week Assignment**

**CONTRACTS Course 5000 Section C**

**Professor Kerri L. Stone**

**Florida International University College of Law**

**Fall 2022**

**Mondays and Tuesdays from 8:00 ­– 9:50 PM**

**RDB Room 2008**

**Course Description**

This is a course about promises. We all make promises—to a landlord to pay the rent, to an e-bay merchant to pay for an item, to a family member to attend a party, to a charity to make a donation, to a lender to repay a loan. All promises, however, are not created equal. Some promises create legal obligations, some moral obligations, and some create both moral and legal obligations. Certain promises have legal consequences. Those are promises that, once made, may be enforced in the courts. If we make a promise and renege, the other party (the promisee) may bring a lawsuit and the court may hold us responsible for the obligation we assumed. It is the availability of legal recourse that makes a binding commitment more than just a promise; it makes that promise a contract.

In this course, we will discuss what kinds of promises create legally enforceable contracts. To do so, we will discuss contract formation (offer and acceptance) and the doctrine of consideration (bargained-for exchange). We will also study some of the defenses that make a contract unenforceable. After learning how a binding contractual obligation can arise, we will discuss the parties’ performance of a contract and when failure to perform might be excused. We will also discuss the remedies available to a promisee when the promisor reneges or breaches/does not perform.

Throughout the course, I will be exposing you to contract principles that we are learning as they exist in other countries’ jurisprudence. We will also be exploring the formation, role, and functioning of contracts in a globalized society and economy, and studying the coverage and some provisions of the United Nations Convention on the International Sale of Goods and the Unidroit Principles of International Commercial Contracts. You will understand that lawyers operate in many ways to serve clients, including as advisors, planners, drafters and advocates. Understanding and weighing both the law and the reality of the client’s situation are very important to the lawyer’s effective performance of these tasks.

            Unless otherwise instructed, ***you should always have read and prepared the assignment for the current class day.*** This means that if class ends and we have not finished an assignment, you are responsible for reviewing it as well as reading ahead for the next class. **You may be called upon to talk about any part of what we left off on or what has been assigned for the current day.**

Please note: CB = Casebook; RST = Restatement (Second) of Contracts; UCC = Uniform Commercial Code; CISG = United Nations Convention on Contracts for the International Sale of Goods; and UNIDROIT = UNIDROIT Principles of International Commercial Contracts. Syllabus is subject to change.

**Class 1:**

CB 1-41

**Class 2:**

CB 43-95; RST §§ 1, 17, 27, 344-347, 359(1), 360; UCC §§ 2-102; 2-103; 2-104, 2-105; CISG Articles 1(1), 2, 3(2), 6, 28, 46(1)

LAW 5100 RVC - Criminal Law

**Professor Megan Fairlie**

**First Week Assignment**

Criminal Law FWA

Dressler & Garvey 8th edition (2019). ISBN-13 9781647086251

NOTE: In an effort to save students money, we will NOT be using the (2022) 9th edition. Students who purchase this more recent (and more expensive) edition will be responsible for determining the applicable reading and obtaining any assigned material that is not included in the 2022 book.

Assignment 1:

* Ch. 1 Introduction (A)-(E)
* Supplemental Materials on Canvas

* Ch. 2 Principles of Punishment (B)(1): The Queen v. Dudley & Stephens

Assignment 2:

      MPC §1.02 (annex)

* + Ch. 2 Principles of Punishment (B)(2): People v. Du (both cases)

LAW 5259 U10 - Intro International & Comp Law

**Professor Manuel Gomez**

**First Week Assignment**

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LAW 5501 U01 - Constitutional Law

**Professor Thomas Baker**

**First Week Assignment**

# Constitutional Law Section A

Fall Semester 2022

**Professor Baker**

For the first class meeting, Thursday, August 18:

* Access the course on Canvas and familiarize yourself with that platform and that content the week before classes. *See generally* [*FIU Student Guide to Canvas*](https://fiuhelp.force.com/canvas/s/categories-student).
* *Read and admire* the Constitution of the United States.
* *Read* the Preface in the Rotunda & Gressman casebook. *Prepare* pages 1-44 in the casebook.
* Read the Preface to Storm Center now and the read rest of the book before the end of September.

During the Semester, we will cover Chapters 1-6 & 8, but we will skip some material in Chapter 1. The standing assignment is to stay 30-pages-plus-one-principal-case ahead of where we leave off each session. Sign-up sheets for presenting cases in class are available in the Chapter Modules on Canvas. We need students to sign up to present cases in Chapter 1 ASAP — before classes begin — for the first week. A *Memorandum on How to Present a Case* is available on Canvas. Additional sign-ups for later chapters will be posted later on Canvas. If you have problems signing up to present a case, contact Katie Miesner ([kmies001@fiu.edu](mailto:kmies001@fiu.edu)).

Case presentations, class participation, and 36-hour quizzes will inform my discretion to adjust your course grade one increment up or down (*e.g.*, B+ up to A- or A down to A-). *See* *Academic Policies and Regulations* § 1004. Your course grade will consist of a comparative constitutional law essay (10%) available on Canvas and due November 18, 2022, and a final examination (90%) that will consist of multiple-choice questions on December 12, 2022.

* Before attending class, complete the FIU “P3 app.” Follow those online directions (<https://panthersprotectingpanthers.web.app/main-menu>).
* Class will begin at 10:30 a.m. and end at approximately 12:20 p.m.
* Do not enter the front door late, i.e., if I have begun to teach; enter through the back door and take a seat there, so as not to disturb the class.
* Regular class attendance is expected. *See Academic Policies and Regulations* §§ 501-502. Missing an occasional class is understandable and unremarkable. But if you expect to miss more than the occasional class, send me an email with an explanation.
* Do not wear a hat during class.

LAW 5501 U02 - Constitutional Law

**Professor Elizabeth Foley**

**First Week Assignment**

**PLEASE NOTE:  LAPTOPTS/TABLETS MAY NOT BE USED IN THIS CLASS.** Please silence your phones.

The following page numbers correspond to the required casebook, *Barnett & Blackman, Constitutional Law: Cases in Context* (4th ed. 2021).

* **Class 1 (Thursday, Aug. 18):   INTRODUCTION TO THE CONSTITUTION & DECLARATION OF INDEPENDENCE:** Peruse (lightly) and admire the Constitution, pp. xxxiii-xlix of the Barnett casebook. Also read pp. 3-30 of the casebook (up to Section 6—“The Federalist Papers”).
* **Class 2 (Friday, Aug. 19):  INTRODUCTION TO THE BILL OF RIGHTS:**Read pp. 44-60 of the casebook. Also read Barron v. Baltimore, pp. 142 (beginning in Section D --“Did the BOR Apply to the States?”) to 147.

LAW 5501 U10 - Constitutional Law

**Professor Juan Gomez**

**First Week Assignment**

Week 1, Chapters 1 and 2

Week 2, Chapters 3 and 4

LAW 5700 U01 - Torts

**Professor Amber Polk**

**First Week Assignment**

Casebook: Prosser, Wade, and Schwartz’s Torts: Cases and Materials, 14th ed.

ISBN: 978-1-68467-407-7

August 16: Fault-based liability, Prosser 1-15

August 17: Intentional torts: Prima facie case, Prosser 17-41

LAW 5700 U02, U10 - Torts

**Professor John Erwin**

**First Week Assignment**

* Class 1: Pages 3 - 24 of the DHB text book, Chapter 1 from the Restatement, and the "How to Brief a Case" reading that will be on Canvas.
* Class 2: Pages 27 - 44 of the DHB text book and pages 10 - 23 of the Restatement.

LAW 5792 U01, U02, U03, U04, U05, U10 - Legal Skills & Values I

**Professors Marci Rosenthal/Yordanka Delionado/Erin Loeb/Rima Mullins/Ila Klion/Margaret Brenan Correoso**

**First Week Assignment**

**LSV I -- All sections**

**Assignments for the First Week**

Class 1:

1. In your textbook (**Christine Coughlin et al., *A Lawyer Writes* (3d ed. 2018)**), read the Introduction (pp. xix-xx) and Chapter 1 (“How Attorneys Communicate”).
2. On the **FIU Law Library website**, read the following materials, available under the **Professionalism Standards** tab:

* Oath of Admission to The Florida Bar
* The Florida Bar Creed of Professionalism
* Rules Regulating The Florida Bar:
  + Rule 4-1.1: Competence
  + Rule 4-1.3: Diligence
  + Rule 4-8.1: Bar Admission and Disciplinary Matters
  + Rule 4-8.4: Misconduct

**Note**: To locate the assigned Florida Bar materials, click on the “**Professionalism Standards**” tab of the [Henry Latimer Professionalism library guide](https://libguides.law.fiu.edu/henrylatimerguide) on the FIU Law Library’s website. To access the assigned Florida Bar Rules, which are located in Chapter 4 of the Rules Regulating the Florida Bar, **click first** on “Florida Bar Rules” on the **Professionalism Standards** page, and then on Chapter 4 under “View Individual Chapters.”

1. Recommended reading: Suzanne E. Rowe, Legal Research, Legal Writing, and Legal Analysis: Putting Law School into Practice, posted in the modeules on your LSV professor’s Canvas course page.

Class 2:

1. In your textbook (**Christine Coughlin et al., *A Lawyer Writes* (3d ed. 2018)**), read pp. 33-34 in Chapter 3 (“Reading for Comprehension”). Skim Chapter 3.2 (“Reading Judicial Opinions,” pp. 45-59).
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 information about accessing these documents.

LAW 6010 U01 - Sales

**Professor Scott Norberg**

**First Week Assignment**

Please 1) read Assignment 1 (pp. 1-21) in the casebook, Daniel Keating, Sales: A Systems Approach (Wolters Kluwer 7th ed. 2020); 2) complete the Module for Week 1 on Canvas (this entails two video lectures and several Learn and Practice items in CasebookConnect); and 3) be prepared to discuss Problems 1.1, 1.2, 1.7, and 1.8 on pp. 21-25 of the casebook and be prepared to discuss them in class.

LAW 6038 U01 - Financial Technology Law

**Professor Marc Powers**

**First Week Assignment**

No assignment.

LAW 6051 U02 - Secured Transactions

**Professor Jorge Esquirol**

**First Week Assignment**

No assignment.

LAW 6060 U01 - Business Organizations

**Professor Jorge Esquirol**

**First Week Assignment**

No assignment.

LAW 6103 U01 – International Criminal Law

**Professor Charles Jalloh**

**First Week Assignment**

No assignment.

LAW 6105 U01 - Death Penalty Law

**Professor Julianne Hill**

**First Week Assignment**

Aug 25, 2022 – **Introduction and Seminal Cases**

·       Chapter 1 – Introduction to Capital Punishment, pp. 3-9

·       PDF: *People v. Manuel Babbitt*

·       PDF: DPIC Death Penalty Overview graphic

·       PDF: Florida Death Penalty Overview graphic

·       Chapter 6 – Modern Death Penalty Statutes, pp. 75 – 87

·       PDF: *Gregg v. Georgia*, 428 U.S. 153 (1976) (selected excerpt only)

·       PDF: *Woodson v. North Carolina*, 428 U.S. 280 (1976) (selected excerpt only)

 All chapters are from the required course textbook:

LINDA E. CARTER, ET AL., UNDERSTANDING CAPITAL PUNISHMENT LAW (4TH ED. 2018).  
Carolina Academic Press: Durham, North Carolina  
ISBN: 9781531008567

LAW 6112 U01 - Crim Pro Investigation

**Professor Eric Carpenter**

**First Week Assignment**

For Thursday, Aug. 18, read the class syllabus, read the motivated reading excerpt, and skim the social psychology excerpt (get a sense of the theories). These materials are in this Google Drive: <https://drive.google.com/drive/folders/12o48pUrOy5tDPB4qDJvFsv1DEGoL5KZ_?usp=sharing>

Once class starts, we will use Canvas. Skim Understanding Criminal Procedure (UCP) §§ 1.01-02, 1.03[A-B], and Chapter 3; read UCP Chapters 4 and 5. In addition, watch the standards of review lecture, read the standard of review materials, and read Miller v. Fenton, all available in the Google Drive. This is a lot but do this prep because we are going to start the class running.

 For Friday, Aug. 19, read 91-118 and 119-23 in the casebook (skip dog sniffs). A few days before class, I will send out an email with students who will be on call for certain parts of each case.

 Let me know if you have trouble accessing the materials in Google Drive.

LAW 6116 U10 - White Collar Crime

**Professors Jeffrey Cox and Mark Hunter**

**First Week Assignment**

No first week assignment.

LAW 6263 U01 - Int'l Human Right Law

**Professor Tawia Ansah**

**First Week Assignment**

**See attached document for your assignment.**

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LAW 6264 U01 - Immigration Law

**Professor Juan Gomez**

**First Week Assignment**

Students will be contacted directly.

LAW 6302 U01 - Federal Courts

**Professor Howard Wasserman**

**First Week Assignment**

Go to fiufedcourts.blogspot.com

LAW 6316 U01 - Int'l Commercial Arbitration

**Professor Eduardo Palmer/ Richard Lorenzo**

**First Week Assignment**

**Textbook: Gary B. Born, International Commercial Arbitration Cases and Materials, 3rd Ed., ISBN 9781543804249, Aspen Publishing.**

Wednesday, August 17, 2022, Chapter One, Introduction to International Arbitration, Sections A & B.

Thursday, August 18, 2022, Chapter One, Introduction to International Arbitration, Sections C-G.

Both Days: The New York Convention

LAW 6330 U01 - Evidence

**Professor Howard Wasserman**

**First Week Assignment**

Go to fiuevidence.blogspot.com

LAW 6330 U02 - Evidence

**Professor Eric Carpenter**

**First Week Assignment**

For Thursday, Aug. 18: Read the class syllabus and “Introduction to Evidence” (in the "evidence pack") and watch the Introduction to Evidence PowerPoint lecture. All of these are available in this Google Drive: <https://drive.google.com/drive/folders/10z-b7dB3L-kXSjYRHYKq7mqeDKNgBtN3?usp=sharing> Once the course starts, we will be using Canvas. In addition, skim State v. Mitchell, the first case in Evidence in Context; read FRE 102, 1102; read FRE 601, 602, 701, 704; read Understanding Evidence (UE) ch. 23, §24.06 (through [A]); read FRE 901(a), (b)(1); read UE §§ 26.07, 27.08, 28.01.

 For Friday, Aug. 19: read “The Role of Arguments at Trial” (chapter 1 of Trial Advocacy: Inferences, Arguments and Techniques by Moore, Bergman, and Binder), available in the Google Drive.

LAW 6350 U10 - Law & Procedure: US & Florida

**Professor Raul Ruiz**

**First Week Assignment**

The first assignment for the Law & Procedure: U.S. & Florida class is:

**Week of 8/15/2022: Introduction**

Topics Covered: (1) Course Introduction

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. Read the Syllabus.
3. Be ready to succeed on the bar exam!

LAW 6361 U01 - Pre-Trial Practice

**Professor Scott Fingerhut**

**First Week Assignment**

**Pretrial Practice**

**Wednesday, August 17, 2022 (FIRST LECTURE)**

**From our course text,** [***Pretrial Advocacy: Planning, Analysis, and Strategy***](https://www.wklegaledu.com/aspen-coursebook-series/id-9781454870005/pretrial_advocacy_planning_analysis_and_strategy_fifth_edition)**(Fifth Edition), please readChapter 1 (“The Pretrial Advocate’s World”).  Note: You are permitted to purchase an e-copy of this text, if available and you prefer.**

**From the Rules Regulating The Florida Bar, read the** [**Preamble**](https://www.floridabar.org/wp-content/uploads/2018/10/Ch-4-2019_04-Oct-12-2018-RRTFB.pdf) **to Chapter 4 (“A Lawyer’s Responsibilities”).**

**Please also read the** [**Preamble and Scope**](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope.html)**of the American Bar Association’s Model Rules of Professional Conduct.**

**Read as well, from the** [**Guidelines for Professional Conduct**](https://www.floridabar.org/prof/regulating-professionalism/presources002/) **of Trial Lawyers Section of The Florida Bar, their Creed of Professionalism, Preamble, and General Principles.**

**And finally, please also read:**

**-- from *In re: Aldo A. Pina*, pages 1-38 of** [**this**](https://abi-opinions.s3.amazonaws.com/Pina.pdf) **court order;**

**-- this lawyer's Florida Bar disciplinary history, which you may access**[**here**](https://www.floridabar.org/public/acap/disc-docs/?icn=201870160&member=117515) **and** [**here**](https://www.floridabar.org/public/acap/disc-docs/?icn=202190004&member=117515)**; and**

**--**[**this**](https://www.miaminewtimes.com/media/pdf/bravechurchlawsuit.pdf) **complaint in *The Peninsular Florida District Council of The Assemblies of God, Inc., v. Brave Church of Miami, Inc. et al*.**

**Thursday, August 18, 2022 (SECOND LECTURE)**

**From our course text, carefully read the *entire* case files (both civil and criminal; downloadable either in full or section-by-section) *and* review (familiarize yourself with) all Exemplary Forms and Additional Materials.  TO ACCESS THESE MATERIALS: First, click** [**here**](https://www.aspenadvocacybooks.com/pretrial-access-for-others/)**.  Make sure you are on "Access For Others" and Pretrial (Fifth Edition).  Second, enter the following password: *PreTrOtKD$*.  Here is where you will find our Case Files, Exemplary Forms, Movies, and Additional Materials.**

**Also, please review the analytics legal/litigation services offered as per these websites:**

[**https://pro.bloomberglaw.com/legal-analytics/**](https://pro.bloomberglaw.com/legal-analytics/)

[**https://www.clio.com/blog/legal-analytics/**](https://www.clio.com/blog/legal-analytics/)

[**https://premonition.ai**](https://premonition.ai)

[**https://lexmachina.com**](https://lexmachina.com)

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**Notes: In Pretrial Practice, *laptops are permitted solely for the purpose of engaging in 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 6363 U01, U02, U03, U10, U11, U12 - Trial Advocacy

**Professors Scott Fingerhut/Abbe Logan/ Abraham Laeser/ Andrea Ricker Wolfson/Anthony Hevia/Ari Goldberg/**

**First Week Assignment**

**Trial Advocacy**

**Monday, Tuesday, and Wednesday, August 15-17, 2022 (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 to you either in or before class.**

**Dress for this and all future practice sessions is APPROPRIATE COURTROOM ATTIRE.  If students have any questions about what "appropriate courtroom attire" means, please email me promptly (at** [**fingerhut@fiu.edu**](mailto:fingerhut@fiu.edu)**).**

**Note: Unless expressly permitted by me, Trial Ad practice sessions, like class lecture, are *No Laptop* learning environments.**

**Thursday, August 18, 2022 (FIRST LECTURE)**

**ALL STUDENTS must come to class prepared to stand and deliver (WITHOUT NOTES) a favorite/meaningful passage (from any song, movie, poem, book, *etc.*) and also be prepared to explain its personal significance.  *The passage selected MUST approximate 10 seconds long*.**

**To serve as your TRIAL NOTEBOOK for the semester, students MUST have with them in class a letter- or legal-sized EXPANDING FILE POCKET (your preference; sample** [**here**](https://www.officedepot.com/a/products/917281/Smead-Expanding-File-Pockets-5-14/)**), with to-be-labeled manila file folders (sample** [**here**](https://www.officedepot.com/a/products/1397656/Office-Depot-Brand-Heavyweight-Manila-File/)**) placed within.  Prepare to amass roughly two 12-inch stacks of materials this term.**

**From our primary course text,** [***Fundamental Trial Advocacy***](https://www.westacademic.com/Roses-Fundamental-Trial-Advocacy-3rd-Edition-9781634598286)**(Third Edition), please read CHAPTER 1 (“The Best Way to Learn Advocacy”) and CHAPTER 2 (“Lawyers, Judges, & Juries”).  Note: You may purchase an e-copy of this course text if you prefer.**

**From our secondary course text,** [***Florida Trial Objections***](https://store.legal.thomsonreuters.com/law-products/Treatises/Florida-Trial-Objections-6th/p/106622643)**(Sixth Edition),and Online Sunshine,**[**here**](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0090/0090ContentsIndex.html)***,*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*.  Note: You must purchase a hard copy of this course text, not an e-copy.**

**From the Rules Regulating The Florida Bar, please read from** [**Chapter 4**](https://www.floridabar.org/wp-content/uploads/2018/10/Ch-4-2019_04-Oct-12-2018-RRTFB.pdf) **(Rules of Professional Conduct) both the *PREAMBLE* (“A Lawyer’s Responsibilities”) and all of *RULE 4-3* (“Advocate”).**

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

**Note: Class lecture, too, is a *No Laptop* learning environment, unless expressly permitted by the professor.**

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LAW 6372 U10 - Adv Appellate Advocacy

**Professor Ila Klion**

**First Week Assignment**

No assignment.

LAW 6425 U10 - Construction Law

**Professor Larry 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)

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

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

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

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

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

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

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

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

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

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

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

LAW 6430 U01 - Wills and Trusts

**Professor Eloisa Rodriguez-Dod**

**First Week Assignment**

**WILLS AND TRUSTS First Week Assignment – Fall 2022**

Professor Eloisa C. Rodriguez-Dod

Marty-Nelson, Rodriguez-Dod, Richmond, Litman, and Maurer, **FLORIDA WILLS, TRUSTS, & ESTATES CASES AND MATERIALS, Carolina Academic Press (4th ed. 2020), ISBN #978-1-5310-0884-0** ("Casebook").

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| --- | --- | --- |
| 01  Monday  08/15 | Probate and Gross Estates;  Surviving Spouses | Chapter 1, pages 19-27 in Chapter 2, all the statutes referenced in the beginning of Chapter 1, and Fla. Stat. §§731.103; 732.101; 732.102; and 741.211. |
| 02  Tuesday 8/16 | Intestate Estates | Re-read pages 19-22 and read pages 27-43 in Chapter 2 and Fla. Stat. §§731.103; 731.201 (“Beneficiary”), (“Child”), (“Collateral Heir”), (“Descendant”), (“Heirs”), (“Parent”); 732.101; 732.102; 732.103; 732.104; 732.107; and 732.611. |

LAW 6460 U10 - Land Use Planning & Control

**Professor Dennis Kerbel**

**First Week Assignment**

LAW 6471 U01 - Environmental Law

**Professor Mario Loyola**

**First Week Assignment**

Class 1 (Thursday Aug 18)

Salzman, Environmental Law & Policy, pp. 1-31

Class 2 (Friday Aug 19)

Salzman, Environmental Law & Policy, pp. 31-46

Vicki Been, “Locally Undesirable Land Uses in Minority Neighborhoods,” 103 Yale L.J. 1383, 1383-1406 (1994).

LAW 6520 U10 - Administrative Law

**Professor Taleed El-Sabawi**

**First Week Assignment**

LAW 6561 U10 - Securities Law Enforcement

**Professor Jeffrey Cox, Mark Hunter**

**First Week Assignment**

1. Securities Law Enforcement:
   * Brief history of the SEC its purposes and organization topic on    SEC website (available at [www.sec.gov/about/what-we-do](http://www.sec.gov/about/what-we-do))
   * SEC Chairman Mary Shapiro Speech at Northwestern University School of Law (November 9, 2020) (available at [http://www.sec.gov/news/speech/2010/spch110910mls.htm](https://urldefense.com/v3/__http:/www.sec.gov/news/speech/2010/spch110910mls.htm__;!!FjuHKAHQs5udqho!Mx_7aYJ-Xe7nxxbW4NcnRzonmyN7KKJH-H5r_PyE0B5Utw1acs143ZUlo77pDxbWYejyFGj4R5Wf-teRww$))
   * SEC Director of Enforcement Robert Khuzami Speech to the Society of American Business Editors and Writers (SABEW) (available at [http://www.sec.gov/news/speech/2010/spch031910rsk.htm](https://urldefense.com/v3/__http:/www.sec.gov/news/speech/2010/spch031910rsk.htm__;!!FjuHKAHQs5udqho!Mx_7aYJ-Xe7nxxbW4NcnRzonmyN7KKJH-H5r_PyE0B5Utw1acs143ZUlo77pDxbWYejyFGj4R5XKX0tTeA$))
   * Securities & Exchange Commission’s Enforcement Manual Sections 1 &2 (pp. 5- 32) (available at [http://www.sec.gov/divisions/enforce/enforcementmanual.pdf](https://urldefense.com/v3/__http:/www.sec.gov/divisions/enforce/enforcementmanual.pdf__;!!FjuHKAHQs5udqho!Mx_7aYJ-Xe7nxxbW4NcnRzonmyN7KKJH-H5r_PyE0B5Utw1acs143ZUlo77pDxbWYejyFGj4R5WgGPRJ-w$))

LAW 6574 U01 - International Intell Property

**Professor Julia J Osei-Tutu**

**First Week Assignment**

LAW 6584 U10 - Election Law

**Professor Michael Valdes**

**First Week Assignment**

LAW 6600 U01 - Federal Income Tax

**Professor Jose Gabilondo**

**First Week Assignment**

FIRST WEEK ASSIGNMENT FOR FEDERAL INCOME TAX

Dear Class:

Welcome to Federal Income Tax. **Before our first class** on Monday August 15th at 2:00 pm, please:

1. Read my introductory comments below.
2. Register on the TWEN site for this course, open as of Monday August 8th, 2022.
3. Download and carefully read the Syllabus; pay special attention to the Course Learning Outcomes and the excerpts from the Tax Reader.
4. Read parts II, III, and IV in Chapter I of our casebook (Burke and Friel, 12th edition).
5. Take a stab at the problem in part 1 of Chapter 1.
6. Then review the problem solution discussed in Part V of Chapter 1.
7. ***Inflation:*** On TWEN, go to the Inflation folder under the syllabus and skim Revenue Procedure 2021-45 with updated marginal rates and inflation adjustments.
8. Given the extraordinarily high rate of inflation, ask yourself whether the adjustments in Revenue Procedure 2021-45 adequately mitigate the effect of inflation on taxpayers. How is inflation calculated for the purpose of these annual adjustments? (hint: Google it).
9. In the casebook, read Appendix 1 on researching tax law.
10. Review the five Chapter 1 handouts on TWEN.

We will probably spend the entire first week on Chapter 1.

JG

**Introductory comments to the course**

Federal income tax law differs from first year courses and upper-level common law courses in some important ways, including (i) the scope of Congress’ taxing power, (ii) the statutory nature of federal income tax law, (iii) the autonomy of federal taxation vis-à-vis other sources of law, and (iv) the historic emphasis on economic rather than moral reasoning. Although most of the examples in the course deal with the taxation of natural people, i.e. human beings, rather than corporations, most of the principles covered in this course also apply to business entities.

**Constitutionality**

The Supreme Court has liberally construed Congress’ Constitutional taxing power, hence our course raises few constitutional questions about federal income tax. (The same is not true about state tax law.)

**Sources of federal tax law**

Unlike the common law classes with which you are familiar, tax is pervasively statutory. Title 26 of the United States Code is the primary source of law. Statutory interpretation often requires “constructing” a particular subsection in the larger context of related statutory provisions. For an example of the type of active reading involved in statutory construction (and legal reading generally), consult the schematic in TWEN for 26 U.S.C. §483. In addition to the statute, federal cases matter a great deal – both cases from Article III courts like the district court and the Article I Tax Court. Federal adjudication – you can think of this as “tax common law” because it involves rule-making through judicial decisions – has produced many of the important doctrines which have come to be codified statutorily, e.g. the tax benefit rule and the claim of right doctrine.

**Structural independence of tax law**

Tax law is a relatively independent area of law, informed but not bound by commercial standards, state law, and even other forms of federal law. Though similar to generally accepted accounting principles (GAAP), tax accounting may deviate from GAAP accounting. As you would imagine from your study of the Supremacy Clause, federal tax law trumps state law. So, for example, state law determinations of domicile do not control the concept under Title 26 of a “tax home.” Moreover, federal tax determinations do not generally depend on other federal law determinations. So, being a “nonresident alien” for tax purposes differs from the meaning of that phrase for purposes of federal immigration law.

**Economic versus normative reasoning**

Finally, unlike any of your other courses, raising revenue is the primary goal of the tax statute. This is not to say that tax law does not powerfully influence consumption and production decisions; it clearly does, and is intended to, but usually in an explicit and argued-for manner rather than by hiding the ball through unarticulated assumptions. For example, historically taxpayers who ran illegal businesses were allowed to deduct their (illegal) business expenses when calculating their tax liability, just as with legal businesses. This comment from Senator Williams, who managed the adoption of what came to be the 1913 Income Tax Act, explains why:

The object of the bill [to enact the first federal income tax] is to tax a man’s net income; that is to say, what he has at the end of the year after deducting from his receipts his expenditures or losses. It is not to reform men’s moral character. (sic re: sexism)

Moralizing has, though, entered the tax code such that deductions for illegal activities are increasingly disallowed for so called “policy” reasons, e.g. §280E prohibiting the deduction of expenses in connection with the distribution of illegal drugs.

**Structure of course**

Virtually every issue which we cover falls into one or – typically – more of five questions which are mapped on the Topic Map included as a TWEN exhibit for Chapter 1:

* What is income?
* What is a deduction?
* When has the tax event occurred?
* Who is the taxpayer?
* What is the character of the tax item? (By “character” we mean that some types of income or loss are deemed to have a special nature, e.g. capital gain.)

Do not expect to understand what each item on the grid means. The point is to demonstrate that federal income tax has a coherent “deep structure” to be revealed and integrated as the course progresses. We will not cover all the items on this grid, but everything that we do will relate to one of these basic five questions.

**Course Materials**

After experimenting with other introductory tax books, I have chosen what I consider the most student-friendly text, Taxation of Individual Income, Burke and Friel (12th edition). Each chapter begins with vocabulary section, a statement of the learning objectives for the chapter, a citation list of the important statutory and regulatory sources of law, and a short – hornbook-like summary of the applicable law. Then, the chapter presents the cases.

I hope that federal tax can be for you what it was for me: a class which helped me find my way in the law. This interview with TaxProf Blog from years back tells you about my take on tax teaching and tax law generally <http://taxprof.typepad.com/taxprof_blog/2007/04/jos_m_gabilondo.html>.

Cheers.

Professor Gabilondo

LAW 6702 U01 - Products Liability

**Professor Ediberto Roman**

**First Week Assignment**

LAW 6710 U01 - Family Law

**Professor Ediberto Roman**

**First Week Assignment**

LAW 6710 U10 - Family Law

**Professor Cyra Choudhury**

**First Week Assignment**

1. Wednesday: introduction to family law

2. Thursday: Casebook pages 1-20.

LAW 6723 U10 - Community Lawyering

**Professor Karin Batista**

**First Week Assignment**

LAW 6730 U10 - Admiralty and Maritime Law

**Professor Tyler Tanner**

**First Week Assignment**

Read pages 3-51; Chapter 1, sections A-D from Textbook.

David W. Robertson, et al., Admiralty and Maritime Law in the United States (4th ed. 2020) (Carolina Academic Press).

LAW 6750 U01 - Professional Responsibility

**Professor Phyllis Kotey**

**First Week Assignment**

**Professional Responsibility**

**Chapter 1**

Introducing Professionalism

and Legal Ethics

**Chapter 2**

I. Introduction

II. Defining the Practice of Law

III. Creating the Lawyer-Client Relationship

1. The Prohibition

LAW 6754 U01 - PIWBP

**Professor Rosario Lozada**

**First Week Assignment**

***Professional Identity and Well-Being Practices***

Welcome!  I look forward to working with each of you.  *Note: the first week assignment and worksheet (due the first day of class) will also be posted as an announcement on the course Canvas page.* For our first class meeting, please complete the following:

**Read** (i) *Self Mastery: The Pathway to Peak Performance and Well-Being in Law*, 48 Sw. L. Rev. 207 (2019), available [here](https://www.swlaw.edu/sites/default/files/2019-08/2%20GreenSimon_Final.pdf) and on Westlaw or Lexis; (ii) *Untangling Fear in Lawyering: A Four-Step Journey Toward Powerful Advocacy* (preface: pp. vii-xiii); and (iii) *Difficult Conversations* (preface: pp ix-xv).

**Watch** Adam Foss, A Prosecutor’s Vision for a Better Justice System, available [here](https://www.ted.com/talks/adam_foss_a_prosecutor_s_vision_for_a_better_justice_system).

**Complete** the worksheet (to be posted in the FWA Announcement on Canvas).  Bring your worksheet to our first-class meeting.

 Thank you.  I hope you enjoy the rest of your summer.

LAW 6780 U01 - Legal Analysis

**Professor Louis Schulze Jr**

**First Week Assignment**

(1) On TWEN, sign-up for the “Legal Analysis” webcourse. Read the entire syllabus.

(2) On the TWEN front page, I will post the assignment for the first day of class.

LAW 6783 U01 - Adv Legal Analysis

**Professor Raul Ruiz**

**First Week Assignment**

The first assignment for the Advanced Legal Analysis class is:

**Week of 8/15/22: Introduction**

Topics Covered: (1) Course Introduction

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 ready to succeed on the bar exam!

LAW 6797 RVC, RVD, RVE, U01, U10, U11, U12 - Legal Skills & Values III

**Professors David Walter/Geannina Burgos Munizaga/Katryna Santa Cruz,/Bridgette Thornton/Johanna Sheehe/Rasheed Nader/Anika Hardmon/Perez Arra**

**First Week Assignment**

**For:** 1.LSV III courses for ALL **MON/WED** SECTIONS, and

2. LSV III courses for ALL **TUES/THURS** SECTIONS

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

**MONDAY, AUGUST 15**

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);

**And further,**

(4)**watch the short video about persuasive techniques.**

**(Note: The readings listed above, along with the link to the video, will be emailed to the students registered for LSV III about August 11.  You should then draft your Cover Letter & Résumé.)**

**Before the beginning of our first class on Monday, August 15, submit your draft Cover Letter & Résumé (via email to your Professor).**

**WEDNESDAY, AUGUST 17**

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 Monday, August 22.

**Before the beginning of our next class (Monday, August 22), submit your Final Cover Letter & Résumé (via email to your Professor)**.

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

**TUESDAY, AUGUST 16**

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);

**And further, (4) watch the short video about persuasive techniques.**

**(Note: The readings listed above, along with the link to the video, will be emailed to the students registered for LSV III about August 11.  You should then draft your Cover Letter & Résumé.)**

**Before the beginning of our first class on Tuesday, August 16, submit your draft Cover Letter & Résumé (via email to your Professor).**

**THURSDAY, AUGUST 18**

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, August 23.

**Before the beginning of our next class (Tuesday, August 23), submit your Final Cover Letter & Résumé (via email to your Professor)**.

LAW 6798 RVC/RVD - ALR

**Professor Ana Toft-Nielsen**

**First Week Assignment**

No assignments.

LAW 6800 U10 - IAC

**Professor Gilberto Guerrero Rocca**

**First Week Assignment**

1. Guerrero-Rocca, Gilberto A. “*The Relevance of the CISG in Settling International Arbitration Claims Arising Due to COVID-19 in Absence of Force Majeure and Hardship Clauses*”World Arbitration & Mediation Review (WAMR). 2021. Vol 13.2. (English version).

(**available at FIU CANVAS “Files**”).

1. Guerrero-Rocca, Gilberto A. “*Las Ventajas de la CISG en Arbitrajes que Involucran Países No-Signatarios en tiempos de COVID-19***”** <https://ciarglobal.com/arbitraje-internacional-al-rescate-de-la-cisg-en-tiempos-del-covid-19/>  (En **CASTELLANO**).
2. CISG: 
3. [visualCISG\_booklet.pdf (legaldesignjam.com)](http://legaldesignjam.com/wp-content/uploads/2016/03/visualCISG_booklet.pdf)

LAW 6800 U11 - IAC (International Arbitration Competition)

**Professors Labgold**

**First Week Assignment**

**Reads the following attachments:**

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LAW 6806 U10 - LSV: LLM

**Professor Christopher Kokoruda**

**First Week Assignment**

Mon., Aug. 15:  Edwards (Fifth Edition) pp. 13-23 (the Structure of the Court Systems, the Functions of Trial and Appellate Courts, the Common Law Process)

Tues., Aug. 16:  Edwards (Fifth Edition) pp. 23-24 (the Weight of Authority)

LAW 6824 RVC - Intl Legal Research

**Professor Laura Reich**

**First Week Assignment**

LAW 6936 U01 - Seminars ; Focused Topics in Employment

**Professor Kerri Stone**

**First Week Assignment**

**Welcome to Focused Topics in Employment Discrimination Law.**

**Please note that this is a demanding class in which you will be expected to produce a multi-draft 25- page paper. Deadlines will be firm and frequent. Please ensure that you have adequate time this semester to put into this endeavor.**

**You will need a basic working knowledge of Employment Discrimination Law to successfully complete this class, so if you have not taken one of the survey courses, you will need to put in extra work at the start of the semester. I will help you by providing foundational material in class and working with you individually, but it will be a fair amount of work to grasp the basics if you have not taken a survey course. Please read the following, which explains the course and gives you your first week’s assignment. Please also make sure that you understand the concept of plagiarism as it will apply to your work in this class. I am looking forward to seeing/meeting all of you. Start thinking about a paper topic if you’d like!**

SEMINAR: FOCUSED TOPICS IN EMPLOYMENT DISCRIMINATION LAW

Professor Kerri L. Stone

Fall 2022

Mondays, 2:00-3:50 p.m.

RDB 1006

Office: RDB 2041

Phone: 305-348-1154

E-mail: [kerri.stone@fiu.edu](mailto:kerri.stone@fiu.edu)

I. GENERAL INFORMATION

**A. Course Description:**

This seminar will delve, in some depth, into certain precepts in the law of employment discrimination, including types of claims and coverage under federal anti-discrimination statutes, harassment, stereotyping, and accommodation. Specifically, the seminar will examine caselaw and scholarship that informs and animates these concepts and the discourse surrounding them. The seminar will continually revert to the central question of the role of federal antidiscrimination legislation and its comportment with the legislative and societal goals of inclusion, equality of opportunity, and diversity in the workplace. Questions of liability and whether it attaches in the presence or absence of invidiously discriminatory intent and discriminatory effect will be explored.

Throughout the seminar, we will read very well-researched and well-written articles. We will continually return to the questions of whether jurisprudence comports with legislative goals in the passage of these protective statutes and public/social policy interests, and what should and should not be within the statutes’ prohibitions. We will engage in detailed discussions of the material in class, and you will communicate with me about your research and drafts. Ultimately, through a thoughtful examination of caselaw, scholarship, and theory, you will inform and refine your own opinions on these matters and be able to conduct effective research, synthesize what you find with what you have learned, and articulate sound and thoughtful contributions to these evolving areas of law.

This course is largely about what I refer to as the “periphery of Title VII.” Title VII of the Civil Rights Act of 1964, the centerpiece of employment discrimination litigation, prohibits discriminatory treatment against individuals with respect to the terms and conditions of their employment when that treatment is “because of” protected class membership. Squarely within this prohibition are acts like firing or demoting someone where it can be shown via a clear demonstration (like a “smoking gun” admission) or even via a logical deduction (like a scenario in which context and circumstances versus more direct

evidence make it apparent) that protected class membership was the reason for the decision. Similarly, in sexual harassment cases, the harassment must, among other things, be “because of” the victim’s sex, whether that means that she was propositioned repeatedly or faced with a barrage of disparaging comments that reference her sex. In disparate impact cases, facially neutral policies and practices that confer a disparate or disproportionate impact on a protected class of individuals, are called into question, and will be actionable unless the employer can show that they are business necessities. Even if they are shown to be necessary, the defendant may still need to make the practice less intrusive, if there is a way to do so. The effect of the policy or practice on an individual is said to occur “because of” the individual’s protected class status, even though there is no intentional discrimination at play.

But what about scenarios that are significantly less clear? The law of Title VII is so relatively new and its jurisprudence so continually (and so slowly) evolving, that learning about and thinking about the next frontiers of discerning and capturing harm that befalls employees “because of” their sex or race or other protected class status, is more than just an exercise in musing. It is a chance to really think about the role that they might actually have in advancing or changing the law once they reach practice. On one hand, Title VII, as courts so frequently intone, is not a “civility code,” whereby every slight is actionable. On the other hand, in a world in which social science and psychology inform societal—and judicial—understandings of things like unconscious bias, one should not be so quick to deem a “because of” allegation as too attenuated.

Thus, we focus on the “periphery of Title VII”—those scenarios, cases, and doctrines that press and challenge the contours of the statute and the domain of that and whom it regulates. We talk about behaviors and issues that traverse the spectrum between that which is clearly covered by Title VII and that which is clearly outside its reach. So, for example, the Supreme Court has held that Title VII is violated when a woman is not selected for a promotion as a result of having been deemed by a decision maker as “too manly” in her appearance and affect to conform to the stereotype of a feminine, beautiful, polite, and deferential woman. But does that mean that subsequently, a woman who is not hired because she lacks a “Midwestern girl look” has a viable cause of action? What about a gay man who is harassed for being too effeminate and not conforming to the stereotype of a typical heterosexual male? Indeed, courts have varied in their responses to these and other related questions. To take another example, sexual harassment consisting of sexual overtures made toward a victim or of pejorative language directed at a victim that references her sex and is said to be “because of sex” and actionable. But workplace bullying that is “neutral” and evenly meted out, is wholly lawful, as is a certain amount of general vulgarity. What, however, about “gendered bullying,” whereby the standard for actionable harassment is clearly not met, although a woman is made to feel alienated or diminished in the workplace because of her sex, nonetheless? What about a situation in which a victim is forced to continually observe the harassment of another woman, but is not directly harassed, herself?

These issues are timely, interesting, and important. I look forward to discussing them with you.

**B. Evaluation:**

\*\*\*Three things that you MUST know before you take this class.

1. This is a writing course, and I take great pleasure in working closely with students on their research and writing. I will happily answer any questions and address any concerns that you have during the semester, both during my regularly scheduled office hours and by appointment. However, I consider plagiarism to be among the most serious offenses that a law student can commit, and I will treat it as such immediately upon encountering it in a draft or in a final paper. In this class, with no exceptions, every instance of plagiarism will be dealt with as required. Plagiarism is the use of the exact words or phrasing of another (any other, including but not limited to a scholar, a judge, or another student) without showing quotations and citing the source. Plagiarism is also the use of the idea of another without proper attribution/citing to the source. See generally Debbie Papay-Carder, Note, Plagiarism in Legal Scholarship, 15 U. TOL. L. REV. 233 (1983); Jaime S. Dursht, Judicial Plagiarism: It May Be Fair Use But Is It Ethical?, 18 CARDOZO L. REV. 1253 (1996). I highly recommend that you review these articles to avoid any confusion as to what is and what is not plagiarism. Again, I am always on hand to consult about these matters as well, and I anticipate that there will be no problems in this area.

2. Good and thorough class preparation is essential to doing well in this class. I expect that each student, irrespective of what he or she is writing about, will have read for and attend each class. After your final grade has been calculated, I may raise or lower it by one grade (e.g., from B to B+, or B+ to B). I am much more apt to do this in a seminar like this one than I would be in a regular class because of the small size and discussion-based nature of the class. Students who evince consistent and thoughtful preparation may have their grades increased, and students who evince a failure to do the required reading may have their grades decreased, irrespective of how often they participate in the discussion. Facility with this material and background knowledge in this area cannot be faked.

Please keep in mind that I as a teacher, look forward to acknowledging preparation and meaningful participation and attentiveness to class discussions by making these things operate to enhance students’ grades.

3. You are required to attend at least 85% of scheduled class hours. . Attendance in this class is governed by Section 501 of the Academic Policies and Regulations of the College of Law; please read this section very carefully. Please note that you should not inform me of a planned absence UNLESS Section 501 requires you to do so. Please follow ALL instructions in Section 501, should you wish to invoke it in any manner.

Your performance in this seminar will be primarily based on the completion of a substantial research paper and the formal presentation of your research findings to the class. You will also be required to engage in consistent class participation. Please see a more specific description of these evaluative criteria below.

1. Research Paper (70%): You will be required to prepare a comprehensive research paper on a topic of your choosing. The paper must be an approximately 25 page double spaced word processed pages, inclusive of footnotes, written in times new roman 12-point font, with pages consecutively numbered at the bottom, fully-justified, and with one inch margins on all sides. It must include thorough research outside of class materials.

You will be required to adhere to the attached research timetable.

2. Presentation/Interactive Participation in others’ Presentations (30%): You will be required to develop a 15-minute presentation on your research topic. There will then be a 10-minute question/answer and feedback session following your presentation. This presentation will educate the class as to the more nuanced aspects of topics that it has already studied and hone others’ perspectives on and reactions to your view and work. By presenting your research topic, you will also receive feedback from the class, which should assist you in polishing your final written product.

Presentations are meant to provoke questions and comments from other students so that students may collaborate on their work by exchanging helpful questions and thoughtful feedback. Your grade will thus also incorporate an evaluation of your performance as an attentive and helpful audience member during others’ presentations.

Once you have selected your paper topics, I will assign you a presentation date.

**WEEK 1 READING:**

 Ricci v. DeStefano, 557 U.S. 557 (2009). · Sandra F. Sperino, Into the Weeds: Modern Discrimination Law, 95 NOTRE DAME L. REV. 1077 (2020). · Charles A. Sullivan, Making Too Much of Too Little?: Why "Motivating Factor" Liability Did Not Revolutionize Title VII, 62 ARIZ. L. REV. 357 (2020).

PAPER TOPICS

Your paper is required to be a research paper that touches upon a topic we discuss in class and incorporates outside research. I am happy to be of assistance to you as you choose a topic. You are welcome to tackle subjects that have been written about before, as long as your perspective and research is fresh and original, and you provide citation/attribution wherever it is needed. You are responsible for knowing what’s out there. You should scan the syllabus and course description for issues of interest to you and do some preliminary research on caselaw and scholarship that will aid you. You are welcome to write a case comment on a specific case that you find or examine and weigh in on a circuit split or an issue of first impression.

Tips for picking a topic:

∙ Think about topics and issues that you already care about or have an interest in.

∙ Do a thorough search of what’s out there; you don’t want to write something that’s already been written! Don’t be discouraged if you hit dead ends. This process takes time.

∙ Look at the assigned readings. Comb the footnotes of articles and look for citing references and histories in the cases. Read some of the unassigned notes in the textbook; there are hundreds of unwritten articles in there!

∙ Stay on top of current events. What legislation is being passed right under our feet? What cases are being heard soon that are of interest to you? Read the oral argument transcripts and press coverage of popular cases. Can you develop a theory or an argument better than the attorneys did? Can you take an issue in a different direction or view it through a different lens?

∙ If you’re still stuck, play around on Westlaw or Lexis. Type in search terms that interest you, and see where they take you. Hop from cases to articles to statutes. Read footnotes and cited sources. See where those take you. Track your “research trail.” Your topic is at the end of it.

WRITING THE RESEARCH PAPER: SOURCES

1) Heather Meeker, Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers, 1996 Utah L. Rev. 917.

2) Eugene Volokh, Writing a Student Article, 48 J. Legal Educ. 247 (1998)

3) <http://www.ll.georgetown.edu/guides/seminar_papers.cfm>

I look forward to working with all of you this semester.

LAW 6936 U02 - Caribbean Law Seminar

**Professor Phyllis Kotey**

**First Week Assignment**

Chapter 1: Introduction to Law and Legal Systems the Commonwealth Caribbean

Advanced

Advanced Externship Orientation Module

Criminal, Civil and Judicial Externship Module

LAW 6936 U03 - Seminars

**Professor Manuel Gomez**

**First Week Assignment**

For the first week of class, read the following:

1. Textbook, pages 1-8.
2. L. M. Friedman, Introduction, in Impact: How Law Affects Behavior 1-6 (Harvard U. Press, 2016)
3. M. Galanter & M. Gómez, Waiting for Mendeleev: The Tangle of Indigenous Law, FIU L. Rev. (2014)
4. M. Galanter, Indigenous Law and Official Law in the Contemporary United States (1981)

Except for the textbook, which the students will have to purchase, all the other readings will be available on the Canvas course page.

LAW 6936 U10 - Seminars

**Professor Robert Downing**

**First Week Assignment**

LAW 6943 U01 - Immigration Clinic

**Professor Juan Gomez**

**First Week Assignment**

LAW 6945 RVC - Criminal Externship Placement

**Professor Phyllis Kotey**

**First Week Assignment**

Chapter 1: Introduction to Law and Legal Systems the Commonwealth Caribbean

Advanced

Advanced Externship Orientation Module

Criminal, Civil and Judicial Externship

Module

LAW 6948 U10 - Business Tech Clinic

**Professor John Little**

**First Week Assignment**

LAW 6949 RVC - Civil Externship Placement

**Professor Phyllis Kotey**

**First Week Assignment**

Chapter 1: Introduction to Law and Legal Systems the Commonwealth Caribbean

Advanced

Advanced Externship Orientation Module

Criminal, Civil and Judicial Externship

Module

LAW 6949 RVD - Civil Externship Placement

**Professor Michelle Mason**

**First Week Assignment**

LAW 6950 U01 - Law Review: Board of Editors

**Professor Lisa Davis, Eric Carpenter**

**First Week Assignment**

Read and Acknowledge the FIU Law Review Constitution, Bylaws, Credit Requirements documents. Complete or provide prior certification of completion of Chosen First Name Policy Training.

LAW 6956 U01 - Law Review: Senior Members

**Professor Eric Carpenter,Lisa Davis**

**First Week Assignment**

Read and Acknowledge the FIU Law Review Constitution, Bylaws, Credit Requirements documents. Complete or provide prior certification of completion of Chosen First Name Policy Training.

LAW 6957 U01 - Law Review: Staff

**Professor Eric Carpenter,Lisa Davis**

**First Week Assignment**

Read and Acknowledge the FIU Law Review Constitution, Bylaws, Credit Requirements documents. Complete or provide prior certification of completion of Chosen First Name Policy Training.

LAW 6984 RVC - Judicial Externship Placement

**Professor Phyllis Kotey**

**First Week Assignment**

Chapter 1: Introduction to Law and Legal Systems the Commonwealth Caribbean

Advanced

Advanced Externship Orientation Module

Criminal, Civil and Judicial Externship

Module

LAW 7200 U10 – US Law I

**Professor Rodolfo Pittaluga**

**First Week Assignment**

LAW 7303 U10 - Florida Civil Practice

**Professor Jose Rodriguez**

**First Week Assignment**

Read pages 3-58 from:

Florida Civil Procedure Cases and Materials

ebook from FIU Law Library via Carolina  
Academic Press at https://lexisdl.com/library/fiu/title/530  
0865

LAW 7364 U01 - Advanced Trial Advocacy

**Professor Harold Smith**

**First Week Assignment**

**Advanced Trial Advocacy**

**Tuesday, August 16, 2022 (FIRST PERFORMANCE)**

**Each student will present a five (5) 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.**

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

**Thursday, August 18, 2022 (FIRST LECTURE)**

**In our main course text, *Trial Advocacy: Planning, Analysis & Strategy*, students must read and outline Chapter 2 -- Persuasion Principles (do NOT include in your outline the Checklist; Principles of Civility, Integrity, and Professionalism; Judicial Expectations; Trial Fundamentals; Managing Nervousness; Visual Emphasis; Pick Persuasive Language; Ethical Considerations; and the Checklists at the end of the chapter).  Please also read and outline Chapter 3 -- Case Theory and Theme Development (do NOT include in your outline the Checklist on pages 59-61).  Students shall turn in a copy of their outlines 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).**

**Write one (1) page listing *12 commercial tag* *lines* (for example, “Just Do it,” by Nike).  Students shall turn in a copy of their work at the beginning of class.**

**Lastly, please watch**[**this**](https://urldefense.com/v3/__https:/www.americanbar.org/news/abanews/aba-news-archives/2018/08/social_justice_activ/__;!!FjuHKAHQs5udqho!OJNB9s6Qn2vsCQgLlb_XKqJE7sjAM1tNqswHEiaXC6id62C_A2KIp9TRyPh0DJzT4awPaqAvhA$)**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 all work that you turn in to me, please place your name, date, Advanced Trial Advocacy, and the assignment (i.e. Stevenson speech).  Students shall turn in a copy of their paper at the beginning of class.**

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

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LAW 7930 U01 - Special Topics

**Professor Cyra Choudhury**

**First Week Assignment**

LAW 7930 U10 - Special Topics; Franchise Law

**Professor Adam Wasch**

**First Week Assignment**

No assignment.

LAW 7930 U11 - Special Topics

**Professor Hillary Metz**

**First Week Assignment**

LAW 7930 U11 - Trademark & GI

**Professor Julia Oseitutu**

**First Week Assignment**