****

**COLLEGE OF LAW**

**Summer 2024**

**JD**

**FIRST WEEK ASSIGNMENTS**

**LAW 7930: Prof. Brian Abramson**

**Seminar: Vaccine, Vaccination, and Immunization Law**

**First Week Assignment:**
**Readings:**

* *Vaccine, Vaccination, and Immunization Law* (Bloomberg/AHLA 2018 [2022 update]; hereinafter *VVIL*), available electronically via FIU’s subscription to Bloomberg Law:

	+ *VVIL* Chapter I: *Introduction*  (read lightly)
	+ *VVIL* Chapter II: *Vaccine Regulation*, Part I and Part II, Section A (read lightly)
* *Doe v. Rumsfeld*, 341 F. Supp. 2d 1 (D.D.C. 2004)
* *Coalition for Mercury-Free Drugs v. Sebelius*, 671 F.3d 1275 (D.C. Cir. 2012)
* DOJ Announcement, [*Doctor, Clinic Owner and Staff Charged with Falsifying Clinical Trial Data* (Links to an external site.)](https://www.justice.gov/opa/pr/doctor-clinic-owner-and-staff-charged-falsifying-clinical-trial-data) (March 8, 2020)
* DOJ Announcement, *Department of Justice Enforcement Actions Related to COVID-19*, available at <https://en.wikisource.org/wiki/Department_of_Justice_Enforcement_Actions_Related_to_COVID-19> (March 24, 2020)
* DOJ Announcement, *Department of Justice Files Its First Enforcement Action Against COVID-19 Fraud*, available at<https://www.justice.gov/opa/pr/justice-department-files-its-first-enforcement-action-against-covid-19-fraud> (March 22, 2020)

**LAW 6723: Prof. Karim Batista**

**Community Lawyering**

 **First Week Assignment:**

**No Assignment**

**LAW 7503: Prof. Joni Coffey**

**Florida Constitutional Law**

 **First Week Assignment:**

1.    5/21/24 Introduction to Course and the Florida Constitution; State Constitutions as a Limit on Inherent Power

·       Fla. Constitution: Article I section 1

·       Text: pp. 3-8

2.    5/23/24 Aids in Interpreting the Florida Constitution; Amending the Constitution

 ·       Fla. Constitution: Article I section 1; Article XI

·       Text: pp. 9-12

·       *Bush v. Holmes*, 919 So.2d 392 (Fla. 2006)

·       Text: pp. 17-34; 38-39; 46-53

·       *In re Advisory Opinion to Att’y Gen. re Limiting Cruel and Inhumane Confinement of Pigs During Pregnancy,* 815 So.2d 597 (Fla. 2002)

·       *Advisory Opinion to Att’y Gen. re: Adult Personal Use of Marijuana,* 2024 WL 1363726 (Fla. 2024)

·       *Advisory Opinion to Att’y Gen. re: Limiting Government Interference with Abortion,* 2024 WL 1363899 (Fla. 2024)

**LAW 6520: Prof. Kendall Coffey**

**Administrative Law**

 **First Week Assignment:**

The Administrative Law course will examine the laws controlling executive branch agencies of government. Major topics include rule-making and adjudication, judicial review and deference, delegation of power to agencies, modes of agency action, legislative control of agencies, constitutional constraints on agency power, appointment and removal of officers, and public access and influence.

TEXT: FUNK, SHAPIRO AND WEAVER, ADMINISTRATIVE PROCEDURE AND PRACTICE: Problems and Cases (6th ed.)

Class Schedule: Tuesday and Thursday, 5:00 pm to 7:05 pm RDB 2006

Assignments may be supplemented with other required cases and readings as announced. Unless specifically indicted otherwise, hypos and problems in the text need not be reviewed.

SCHEDULE

1. 5/21/2024 Introduction to Course; Overview of Agency Action and the Administrative Procédures Act
* Text pp. 1-32
1. 5/23/2024 Florida Public Records Act/Government in the Sunshine
* News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc., 596 So.2d 2019 (Fla. 1992)
* Times Publishing Co., Inc. v. City of St. Petersburg, 558 So.2d 487 (Fla.2d DCA 1990)
* National Collegiate Athletic Association v. Associated Press, 18 So.3d 1201 (Fla. 1st DCA 2009)
* Town of Palm Beach v. Gradison, 296 So.2d 473 (Fla. 1974)
* Sarasota Citizens for Responsible Government v. City of Sarasota, 48 So.3d 755 (Fla 2010)

**LAW 6750: Prof. Margaret Correoso**

**Professional Responsibility**

 **First Week Assignment:**

For our first week, please read as follows:

**Class 1 (in person) May 21**

Lerman et al., *Ethical Problems in the Practice of Law* (2023) ("Textbook")

*Prior to class* :

* *Textbook:* Read pp. 1-62
* Problem 1-1 (Adderall) (pg. 33)
* Lerman et al, *Ethical Problems in the Practice of Law: Model Rules, State Variations and Practice Questions* (2023 and 2024 ed.) ("Rules")
* Preamble
* Scope note
* *Rules* 8.1 and 8.4(g)

*In class:*

* Lecture
* Discuss problem in groups (groups will be assigned the first day of class)

*After class:*

* Reporter: post group discussion on canvas for class 1
* Assignment: submit a short paragraph explaining your professional identity as you understand it to be now. See assignment posted on canvas due Monday May 27th.

**Class 2 (online asynchronous)**

* Watch video posted for class 2, and review PowerPoint class 2
* *Textbook:* Read pp. 63-82; 84-118
* *Rules*
* 1.0(d), 1.2(d), 5.1-5.3, and 8.3-8.5
* Problems 2-1 (The Dying Mother)(pg. 94) and 2-3 (The Little Hearing)(pg. 116)
* Meet with your group by zoom (groups will be assigned in class 1), and discuss the two problems and follow the prompts in the PowerPoint for each problem.
* Reporter: post group discussion on canvas for class 2
* Spokesperson: post a 5-minute video summarizing your group discussion

**LAW 6480: Prof. Margaret Correoso**

**Comparative Sports Law (Seville)**

 **First Week Assignment:**

**Will be provided by professor.**

**LAW 6430: Prof. Taleed El-Sabawi**

**Wills and Trusts**

 **First Week Assignment:**

**Assignments are all in CANVAS.**

**LAW 7268: Prof. Stella Emery Santana**

**International Environmental Law**

 **First Week Assignment:**

**No Assignment**

**LAW 6114: Prof. H. Scott Fingerhut**

**Criminal Procedure: Adjudication**

 **First Week Assignment:**

**WELCOME to Criminal Procedure: Adjudication, an experience like none other you will have in law school.**

**This class begins on Tuesday, May 21, 2024, and meets in-person, on Tuesdays and Wednesday Wednesday evenings, from 715p-920p, in RDB 1009 (the small courtroom; we will not meet in RDB 2002, as the schedule presently reflects).**

**Because of the varied course materials we will address this semester, and because you should *always* have access to *all* course materials each and every class, you are permitted to use your laptops *in* class, but *only* for our class.**

**Please contact me with any questions you may have before we begin.  Reach me at** ***fingerhut@fiu.edu*****.**

**Tuesday, May 21, 2024**

**For our first meeting together, please:**

**Read in our main course text, *Criminal Procedure Adjudication* (Chemerinsky and Levenson, Fourth Edition, Wolters Kluwer), Chapter 1, pp. 1-18; and Chapter 8, pp. 348-352;**

**Read United States Supreme Court Associate Justice Anthony Kennedy’s speech at the August 2003 Annual Meeting of the American Bar Association, found** [**here**](https://www.supremecourt.gov/publicinfo/speeches/viewspeech/sp_08-09-03)**;**

**Read the May 25, 2020, press release of the Minneapolis Police Department regarding the death of George Floyd, found** [**here**](https://www.minnpost.com/wp-content/uploads/2020/05/Screen-Shot-2020-05-28-at-9.51.56-AM.png)**;**

**Review carefully this Criminal Justice System Flowchart, found** [**here**](https://bjs.ojp.gov/media/image/45506)**; and**

**Read, from the Annie E. Casey Foundation blogpost, *Equity vs. Equality and Other Racial Justice Definitions*, found** [**here**](https://www.aecf.org/blog/racial-justice-definitions/)**.**

**Wednesday, May 22, 2024**

**For our second meeting, please:**

**Read in our main course text, Chapter 1, pp. 18-30;**

**Read, cover-to-cover, our secondary course text, *The U.S. Constitution and Fascinating Facts About It* (Jordan, Eighth Edition, Oak Hill Publishing), available for purchase** [**here**](https://www.constitutionfacts.com/us-pocket-constitution/)**;**

**Read from the Florida Constitution, the Preamble and Article I, found** [**here**](http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes&CFID=135493424&CFTOKEN=a879394919c25e5d-EB18E550-9D4E-07F8-F4346D4B004072EB#A1)**;**

**Read Federalist Paper No. 51 (1788), found** [**here**](https://avalon.law.yale.edu/18th_century/fed51.asp)**;**

**Read these *select pages* in *United States v. Wade*, 388 U.S. 218, 256-258 (1967); and**

**Read and/or listen to this August 4, 2020, NPR FRESH AIR interview, *"It's More Than Racism: Isabel Wilkerson Explains America's 'Caste' System,"* found** [**here**](https://www.npr.org/transcripts/898574852)**.**

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**LAW6106: Prof. Mia Ji**

**Death Penalty Clinic**

 **First Week Assignment:**

**No Assignment**

**LAW: Prof. Phyllis Kotey**

**Seminar: Police Practices and Procedures in the**

**21st Century**

 **First Week Assignment:**

**No Assignment**

**LAW 7930: Prof. Andrej Milic**

**Special Topics: Publix Speaking for Lawyers**

 **First Week Assignment:**

In preparation for Prof. Milic's Public Speaking for Lawyers class, listen to the ABA podcast Public Speaking Skills Every Lawyer should master:

[Public speaking skills every lawyer should master (americanbar.org)](https://www.americanbar.org/groups/journal/podcast/20190522-public-speaking-skills-every-lawyer-should-master/)

**LAW 7930: Prof. Morcillo**

**Special Topics: Int’l Business Spanish for Lawyers**

 **First Week Assignment:**

**No Assignment**

**LAW 6943: Prof. Juan Gomez**

**Immigration Clinic**

 **First Week Assignment:**

**No Assignment**

**LAW 6945: Prof. Phyllis Kotey**

**Legal Externship - Criminal**

 **First Week Assignment:**

**No Assignment**

**LAW 6949: Prof. Phyllis Kotey**

**Legal Externship - Civil**

 **First Week Assignment:**

**No Assignment**

**LAW 6984: Prof. Phyllis Kotey**

**Legal Externship - Judicial**

 **First Week Assignment:**

**No Assignment**

**LAW 6713: Prof. Larry Leiby**

**Domestic Arbitration**

 **First Week Assignment:**

**No Assignment**

**LAW 6060: Prof. Jerry Markham**

**Business Organization**

 **First Week Assignment:**

**FIRST ASSIGNMENT**: Read pages 1-56 of the casebook.

Readings Assignments: I will seek to cover fifty-five pages in the casebook for each module’s lecture, which is equivalent to one hour (50 minutes) of live class time.

**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 module. Please make sure you that you read ahead fifty-five pages from the last class. Students should plan on spending at least two hours in reading and mastering the material assigned for each class.

**LAW: Prof. Paul Moore**

**Hospitality Law**

 **First Week Assignment:**

**Discussion Question One - Worth 15 Points: Due May 25th**

Please describe the difference between civil law and criminal law.  Be sure to include the different standards of proof as well.  Also, define the term jurisdiction and provide an example using the County and Circuit Courts.

**LAW7308: Prof. Rima Mullins**

**Complex Litigation**

 **First Week Assignment:**

Textbook: Sullivan, Freer, & Clary, Complex Litigation (3d ed. 2019).

First Week Assignment:

Read: pp. 88-105 (supplemental jurisdiction); 335-342 (party joinder); pp. 158-172 (transfer and consolidation); 231-245 (choice of law)

**LAW 7303: Prof. Jose Rodriguez**

**Domestic Arbitration**

 **First Week Assignment:**

5/21 read pages 1-35, 55-56

5/23 read pages 59-89

**LAW 6750: Prof. Robert Scavone**

**Professional Responsibility**

 **First Week Assignment:**

Read and be prepared to discuss:

[Oath of Admission to The Florida Bar](https://urldefense.com/v3/__https%3A/www.floridabar.org/prof/regulating-professionalism/oath-of-admission/__;!!FjuHKAHQs5udqho!Iw6kyId2bmSHNpfXpKU6-IYgQHd30x4Z-545a2o9OycYsWkBcLegSvv0hJd26G9c99o3Wl4AdlNTBHKNVoONPuZkOg$).

[Preamble to the Rules of Professional Conduct "A Lawyer's Responsibility](https://urldefense.com/v3/__https%3A/www-media.floridabar.org/uploads/2024/03/2024_09-MAR-Chapter-4-RRTFB-3-15-2024.pdf__;!!FjuHKAHQs5udqho!Iw6kyId2bmSHNpfXpKU6-IYgQHd30x4Z-545a2o9OycYsWkBcLegSvv0hJd26G9c99o3Wl4AdlNTBHKNVoNuBpYXuw$)," pages 1 - 5.

[Lawyer Discipline - A Roadmap to Florida's Lawyer Regulation System](https://urldefense.com/v3/__https%3A/www.floridabar.org/the-florida-bar-journal/lawyer-discipline-a-roadmap-to-floridas-lawyer-regulation-system/__;!!FjuHKAHQs5udqho!Iw6kyId2bmSHNpfXpKU6-IYgQHd30x4Z-545a2o9OycYsWkBcLegSvv0hJd26G9c99o3Wl4AdlNTBHKNVoMaZz4dpQ$), by Brian D. Burgoon.

**LAW 6936: Prof. Rob Suarez**

**Seminar: IP Law**

**First Week Assignment:**

**No Assignment**

**LAW 6798: Prof. Ana Toft-Nielsen**

**Advanced Legal Research**

 **First Week Assignment:**

**No Assignment**

**LAW 67823: Prof. Ana Toft-Nielsen**

**Law Practice Technology**

**First Week Assignment:**

**No Assignment**

**LAW 7930: Prof. Hannibal Travis**

**Special Topics: Int’l & Computer Copy Right (Seville)**

 **First Week Assignment:**

**1                                  History of Copyright, Theories of Intellectual Property**

                                    a.  National Histories and Their Impact on Ownership Doctrine

David Stopps, How to Make a Living from Music (2022), pp. 51-154, <https://tind.wipo.int/record/28651/files/wipo_pub_939.pdf?ln=en> ;

Chambers and Partners, Trade Marks & Copyright 2024,

<https://practiceguides.chambers.com/practice-guides/trade-marks-copyright-2024/france/trends-and-developments/O15927>

[Click on “Law and Practice” if you see a “Trends” page about influencers; focus on copyright portions]

                                    b.  Theories of Copyright and Trademark, and Impact on Scope of Rights

Martin Senftleben, Bridging the Differences Between Copyright's Legal Traditions, JCUSA (2010), [https://research.vu.nl/ws/portalfiles/portal/2847603/Bridging+the+Differences+between+Copyright%27s+Legal+Traditions.pdf](https://research.vu.nl/ws/portalfiles/portal/2847603/Bridging%2Bthe%2BDifferences%2Bbetween%2BCopyright%27s%2BLegal%2BTraditions.pdf) [Pages 22-33 are optional now, but will be assigned later]

**2                                  Authorship, Ownership**

                                    a.  Originality and Separability Requirements for Copyrighted Works

We the Protesters v. Sinyangwe (S.D.N.Y. 2024),

<https://scholar.google.com/scholar_case?case=4473435764278841775>

Football Dataco v. v. Yahoo! and others (ECJ 2012), as reported in <https://script-ed.org/article/analysis/>

Silvertop Assocs. v. Kangaroo Mfg. (3d Cir. 2019), <https://scholar.google.com/scholar_case?case=12448898829030301113>

Estelle Derclaye, CJEU decides that the originality level is the same for all copyright works, including works of applied art, Kluwer Copyright Blog (2019),

<https://copyrightblog.kluweriplaw.com/2019/09/18/cjeu-decides-that-the-originality-level-is-the-same-for-all-copyright-works-including-works-of-applied-art/>

                                    b.  Ownership Problems: Employment, Co-Authors, and Transfers

William Honaker, If You Produce Creative Content, then Learn from Taylor Swift, Music Conn. (2020),

<https://www.musicconnection.com/expert-advice-if-you-produce-creative-content-then-learn-from-taylor-swift/>

Andy Ramos et al., The Legal Status of Video Games, WIPO.int (2014),

[https://web.archive.org/web/20141023030631/https://www.wipo.int/export/sites/www/copyright/en/creative\_industries/pdf/video\_games.pdf](https://web.archive.org/web/20141023030631/https%3A/www.wipo.int/export/sites/www/copyright/en/creative_industries/pdf/video_games.pdf)  [page 37-81 only]

1. **Reproduction, Making Available**
2. a.  Reproduction Versus Automated Processes, Minimal Uses

Cheryl Foong, Volition and the ‘New Public’ etc., EIPR/SSRN (2020), <https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3594984_code1569069.pdf?abstractid=3516478&mirid=1&type=2>

Eleonora Rosati, Five Considerations for … Article 17 of the DSM Directive, J. of IP L. Pract. (2021), [https://www.diva-portal.org/smash/get/diva2:1529264/FULLTEXT01.pdf](https://www.diva-portal.org/smash/get/diva2%3A1529264/FULLTEXT01.pdf)

                                    b.  Linking, Server Tests, Embedding, and Indirect Liability

Ali Sternburg, Recent Decisions Call Into Question Linking, Embedding Tweets, Product Dis-Co (2018), <https://www.project-disco.org/intellectual-property/021618-recent-copyright-decisions-call-into-question-linking-embedding-tweets/>

Davis Wright, “Server Test” Is Reaffirmed (for Now) in Hunley v. Instagram, LLC, Casetext (2023), <https://casetext.com/analysis/server-test-is-reaffirmed-for-now-in-hunley-v-instagram-llc>

**4                                  Television, Streaming, Performers, and Performing Rights Organizations**

                                    a.  Television Formats and Unlawful Appropriation, Access in Copyright

Stefan Bechtold, The Fashion of TV Formats, Mich. St. L. Rev. (2005),

[https://web.archive.org/web/20150901163820id\_/http://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1013&context=lr](https://web.archive.org/web/20150901163820id_/http%3A/digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1013&context=lr)

                                    b.  The WIPO Copyright Treaties and Streaming, Performer Likenesses, Performer

                                    Rights, and Competition or ©-related Limitations on Perf. Rights and PROs

Tatiana Synodinou, Image Right and Copyright Law in Europe [etc.], 3 Laws 181 (2014), <https://www.mdpi.com/2075-471X/3/2/181#B78-laws-03-00181>

Jackson v. Roberts (In re Jackson) (2d Cir. 2020), <https://scholar.google.com/scholar_case?case=12490313486249811631>

Comparison of WIPO Copyright Treaty and Phonograms Treaty to Performers’ Rights,

<https://www.wipo.int/treaties/en/ip/wct/summary_wct.html>

<https://www.wipo.int/treaties/en/ip/wppt/summary_wppt.html>

<https://www.wipo.int/pressroom/en/briefs/performers.html>