FALL 2015-16

FIRST WEEK ASSIGNMENTS
FIU COLLEGE OF LAW  
FIRST WEEK ASSIGNMENTS  
FALL 2015

LAW 5100- Criminal Law  
Professor Noah Weisbord

First Week Assignment:

Crime and Punishment  
Principles of Punishment (pages 29 to 91)

LAW 5259- Introduction to International and Comparative Law  
Professor Noah Weisbord

First Week Assignment:

Foundations of International Law: Structure, Theories, History  
- Chapter 1: Foundations of International Law (3-30).

LAW 5501- Constitutional Law- Section C  
Professor Thomas E. Baker

First Week Assignment:

For the first night of class, Monday, August 17th:

- Read and admire the Constitution of the United States.

- Read the Preface in the Rotunda casebook and the Preface in the supplemental reader Storm Center. You should read Storm Center as you would a novel, sooner rather than later, but before the end of September.

- Prepare pages 1-41 in the Rotunda casebook.

During the Semester, we will cover Chapters 1-6 & 8. Stay 30-pages-plus-one-principal-case ahead of where we leave off each session. There will be a sign-up sheet for presenting cases in class. Class participation and unannounced 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 final examination (90%)
and a comparative law writing assignment (10%). The final examination is likely to be all or mostly all multiple choice questions.

Register with your Westlaw password on the TWEN site for this course and be on the look out there for course handouts, recommended readings, and helpful links: http://lawschool.westlaw.com. Before the end of the first week of classes: follow the instructions and turn in the Student Questionnaire on the “General Information” page.

- Do not come to class if you are unprepared.
- Class will begin at 7:00 p.m. — with a 10 minute break after the first hour — and will end at approximately 8:50 p.m. Do not come into the classroom if the class session has begun — wait until the break. The clock in the classroom is the official time.
- Regular class attendance is expected. (Adhering to the lateness policy in the previous paragraph, however, does not count as an absence.) 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.
- 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.
- Please do not wear a hat during class.

**LAW 6010- Sales**  
**Professor Scott Norberg**

First Week Assignment:

LAW 6031- Payment Systems  
Professor Jorge Esquirol

First Week Assignment:


Reading Assignment for First Week: Please read the following pages in the Casebook for the dates assigned.

August 17 - "Introduction to Negotiability" pp. 1-16
August 19 - "Requisites for Negotiable Instruments" pp. 19-26

LAW 6060- Business Organizations  
Professor Charles Pouncy

First Week Assignment:


Recommended Text: (1) Corporations Statutory Supplement [Any post 2012 collection].
(2) Solomon & Palmiter, Corporations, Examples and Explanations, Little, Brown and Company [Any recent edition.]

Unit 1

Register at the TWEN Site for this course.

The Nature of the Corporation

Class 1-2 Introduction
Economic Foundations [Lecture] [no readings assigned]


Agency Principles & Partnership
K&R pp. 1-13 – [Who is an Agent?]

Restatement of the Law (Third) Agency, §§1.01; 1.04, 2.01; 2.03; 2.04; 3.01; 3.03; 4.01.
First Week Assignments:

August 18 and 20th

2. Read Chapters 1-3 of Text.
3. Read only Scalia’s concurrence and Breyer’s dissent in Glossip v Gross.

I would also advise that you begin the readings for the following class (August 25th) which are rather long.

1. Chapter 6 of Text
2. Furman v Georgia 408 U.S. 238 (1872) Read entire case.

LAW 6106 – Death Penalty Clinic
Professor Stephen Harper

First Week Assignments:

No Assignment.

LAW 6112- Criminal Procedure: Investigation
Professor Megan A. Fairlie

First Week Assignment:

Casebook: Joshua Dressler & George C. Thomas, III, Criminal Procedure: Principles, Policies and Perspectives (5th ed. 2013) and its 2015 supplement

First Week Assignments:

Class 1: pp. 34-42, 43 (n.3 only); 44-57 (omit n.3 on pp. 46)

Class 2: pp. 64-85; 467-69
LAW 6226- Legal History  
Professor M.C. Mirow

First Week Assignment:


LAW 6234- Race and the Law  
Professor Michele Anglade

First week assignment

No First Week Assignment; however, students are required to join the TWEN page for the course prior to the start of the semester.

LAW 6264- Immigration Law  
Professor Juan C. Gomez

First Week Assignment:

No Assignment.

LAW 6302- Federal Courts  
Professor Howard M. Wasserman

First Week Assignment:

Got to: fiufedcourts.blogspot.com

LAW 6305- Remedies  
Professor Ediberto Román

First Week Assignment:

Read Chapter One
**LAW 6310- Alternative Dispute Resolution**  
*Dean Joelle Moreno*

First Week Assignment:

Log on to TWEN. First assignment is to read pages 1-57 in the casebook (Resolving Disputes: Theory, Practice and Law. Folberg, Golann, Kloppenberg & Stipanowich; Aspen Publishers (2nd edition, 2010)) and any other TWEN materials.

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**LAW 6316- International Commercial Arbitration**  
*Professor Richard Lorenzo/ Eduardo Palmer*

First Week Assignment:

Chapter 1 (Introduction to International Arbitration), of the textbook, Born, International Arbitration: Cases and Materials, 2nd ed.

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**LAW 6330- Evidence A**  
*Professor Howard M. Wasserman*

First Week Assignment:

Go to: fiuevidence.blogspot.com

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**LAW 6330- Evidence B**  
*Dean Joelle A. Moreno*

First Week Assignment:

Please register for our TWEN site, log on, and read any posted class materials.

Read:


Read the following rules and the advisory committee notes that follow each rule: 101-106; 401-415; 601-602; 607-609; 612-613; 701-706; 801-807.
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 and will be collected in class on the first day.

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?

5. Describe each piece of evidence that defense counsel will want to use at trial in this case?

6. How would each of these pieces of evidence advance the defense case?

7. What objections will the prosecutor raise to admission of each of piece of evidence this evidence?

8. 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 6350- Law & Procedure: U.S. & Florida
Professor Raul Ruiz

First Week Assignment:

**Week of 8/17: Introduction**

Topics Covered: (1) Course Introduction; (2) Introduction to the Florida Bar Exam; (3) Introduction to Essay Writing on the Florida Bar Exam.

Assignments for First Class:

(1) On TWEN, sign-up for the “Law & Procedure: U.S. & Florida” course, and read the course syllabus in its entirety.


(3) Bring the completed book purchase form to class. It can be found under the course materials section on TWEN.

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

LAW 6361- Pre-Trial Practice
Professor H. Scott Fingerhut

First Week Assignment:

Tuesday, August 18, 2015

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

2. From the Rules Regulating The Florida Bar, read The Preamble to Rule 4 ("A Lawyer's Responsibilities").
   http://www.floridabar.org/divexe/rrtfb.nsf/FV/7096F0D9580B063C85257170006A9888

3. Please also read the Preamble and Scope of the American Bar Association's Model Rules of Professional Conduct.
4. And read as well the Preamble and General Principles of the Trial Lawyers Section of The Florida Bar's Guidelines of Professional Conduct.


Thursday, August 20, 2015

1. Carefully read through the entire case files (civil and criminal) and supplemental materials contained on the CD accompanying our text, Pretrial Advocacy.

Notes: Because we will be working with these case files throughout the semester, you may wish to print these materials out, place them in a binder, and have them in class with you all term long. In addition, laptops are permitted solely for the purpose of our classwork.

LAW 6363- Trial Advocacy- (All Sections)
Professors: H. Scott Fingerhut, Gerald D. Hubbart, Abbe R. Logan, Abraham Laeser, Bernardo Pastor, Kevin Emas

First Week Assignment for all Trial Advocacy Group Sections:

Monday and Tuesday, August 17 and 18, 2015 (first PRACTICE SESSIONS)

1. Students will be given an "Introduction to the Courtroom" by their practice session coach.

2. No advance preparation is required; all materials will be provided to you in class.

3. Dress is APPROPRIATE COURTROOM ATTIRE (for this and all future practice sessions).

Note: This is a no-laptop learning environment. In general, all materials to be worked on should be printed out before class and placed in your trial notebook (see below).

Wednesday, August 19, 2015 (first LECTURE)

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

2. Students MUST bring to class a LARGE (3- or 4-inch) 3-RING BINDER which shall serve as your TRIAL NOTEBOOK for the semester.
3. From our course text, Fundamental Trial Advocacy, please read Chapters 1 ("A Different Advocacy Book") and 2 ("Case Analysis").

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


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

Reminder: Class lecture too is a No Laptop learning environment. All materials to be worked on should be printed out before class and placed in your trial notebook.

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**LAW 6372- Appellate Procedure I**

**Professor David D. Walter**

First Week Assignment:

**MONDAY, AUGUST 17**

TOPICS: Introduction to the Course and Competition

ASSIGNMENT (Before Class):

Read the Course Description & Syllabus and read the Competition Rules. The Course Description & Syllabus and Competition Rules will be distributed by email to those registered for App Pro about August 14.

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**LAW 6430- Wills and Trusts**

**Professor Eloisa C. Rodriguez-Dod**

First Week Assignment:

1. Required Materials

2. In-house, Statutory Supplement Florida Wills, Trusts & Estates Cases and Materials (2015-2016). This spiral-bound supplement will be distributed in class. 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.

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. Learning Outcomes

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.

IV. 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.

V. 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”), (“Devis”), (“Devisee”), (“Estate”), (“Heirs”), (“Probate”), (“Probate of Will”), (“Trust”), (“Trustee”), (“Will”); 768.20; and 768.21.

Reading Assignment #2

Read pages 21-41 of 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 6431- Estate Planning
Professor William T. Muir

First Week Assignment:

Professor will distribute material during the first class.

LAW 6460- Land Use & Planning
Professor Joni Armstrong Coffey

First Week Assignment:

1. 8/18/15 Introduction to course; overview
• **Text:** pp. 1-6
• **Distribution:** syllabus and class questionnaire

   • Text: pp. 6-11 (nn.1 & 2); 43-56; 64-68

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**LAW 6471- Environmental Law**  
**Professor Kalyani Robbins**

First Week Assignment:

Class 1 (Tuesday) – pp. 1-28

Class 2 (Thursday) – pp. 28-54 (plus brief additional material on most recent IPCC report, to be provided)

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**LAW 6507- National Security Law and the Constitution**  
**Professor Keith Puls and Professor Samuel Londono**

First Week Assignment:

August 17: Chapters 1-2

August 19: Chapter 3

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**LAW 6570- Intellectual Property**  
**Professor Hannibal B. Travis**

First Week Assignment:


Class 1 – Copyright I: Introduction

Casebook, pp. 1-32

Class 2 – Copyright II: Originality and Authorship

Casebook pp. 436-445, 447, 496-505 [Feist]
LAW 6600 Federal Income Tax  
Professor Jose M. Gabilondo

First Week Assignment:

Dear Class:

Welcome to Federal Income Tax. **Before our first class** on Monday August 18th at 5:00 pm, please:

1. Read my introductory comments below.
2. Register on the TWEN site for this course, which will be open as of Monday August 11, 2015.
3. Download and read the syllabus.
4. In the first chapter of our casebook (Burke and Friel), 10th edition), read from page 2 (starting with ‘Vocabulary’) to page 8 (up to the analysis of the problem).
5. Then read and do the Chapter 1 problem on pp. 1-2.
6. After you have done the problem yourself, review the problem solution starting on p. 8. Again: to get the most out of this Chapter (and this first problem is intended to be particularly rich), work through the questions yourself before looking at the book’s solutions.
7. Review the five Chapter 1 handouts on TWEN.

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

See you soon.
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 discussed below, including (i) the constitutional status of Congress’ taxing power, (ii) the statutory nature of federal income tax, (iii) the autonomy of federal taxation vis-à-vis other sources of law, and (iv) the historic emphasis in taxation 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 legal people, e.g. corporation, the principles introduced in this course apply in each area of federal income taxation.

**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, for example, 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 many of your other courses, tax focuses on economic rather than moral questions, in the sense that the law does not attempt to instill or enforce any particular set of values in human relations. 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 a very 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, says it best:

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 (10th 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](http://taxprof.typepad.com/taxprof_blog/2007/04/jos_m_gabilondo.html).

Cheers.
Professor Gabilondo

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**LAW 6702- Products Liability**  
**Professor Henry Salas**

First Week Assignment:

August 18, assigned text: 1-40

August 20, assigned text: 41-77, 95-116
LAW 6710- Family Law  
Professor Cyra A. Choudhury

First Week Assignment:

Mon: Introduction to class, no reading, please download the syllabus from TWEN and read it carefully.

Wed: Casebook, Chapter 1.

LAW 6717- Elder Law  
Professor Eloisa Rodriguez-Dod

First Week Assignment:

I. Required Materials


   2. 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 on TWEN.

   3. Poor Participation Will Affect Grades. If a student is unprepared more than two (2) times, the student’s final grade may be dropped to the next lowest grade.

   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. Learning Outcomes

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

1) demonstrate an understanding of the principles and concepts of elder law.
2) possess an understanding of the areas of substantive law studied.
3) identify and analyze legal issues in complex problems.
4) identify and apply relevant ethical and legal rules to appropriately counsel clients.

IV. Examinations

The examination for this course will be closed book. The exam may include objective questions, multiple-choice questions, essay questions, or any combination of questions.

V. Reading Assignments (All reading assignments are in Casebook unless otherwise noted.)

Reading Assignment #1: Read Chapter 1 and pages 13-20 in Chapter 2.

Reading Assignment #2: Read pages 20-45 in Chapter 2.

LAW 6720- Health Law
Professor Elizabeth P. Foley

First Week Assignment:

Pages refer to the Furrow casebook:

Class 1: pp. 87-104 of Furrow casebook (licensure)

Class 2: pp. 104-35 (scope of practice; alternative medicine)
LAW 6723- Medical-Legal Clinic  
Dean Michelle Mason/ Professor Natalie Castellanos

First Week Assignment:

Assignment will be sent directly to the student.

LAW 6725- Medical Malpractice Law  
Professor Jorge E. Silva

First Week Assignment:

COURSE DESCRIPTION: This course is a survey of the practice and procedure of medical malpractice claims in Florida. It includes a discussion of the significant Florida statutes, Rules of Civil Procedure, and various cases outlining the interpretation of same.

COURSE OBJECTIVES: To educate students on the anatomy of a medical malpractice case from beginning to end. The course will allow students to appreciate the significance of a client interview, case selection, pitfalls, and understand the statutory maze required to navigate through a medical malpractice claim in Florida.

PREREQUISITES: Torts and Civil Procedure.

INSTRUCTOR: Jorge E. Silva, Esq.

CONTACT INFORMATION: Telephone: (305) 445-0011 e-mail: jsilva@silvasilva.com

REQUIRED TEXTS: None. All required reading will be available on Westlaw and will be outlined below.

GRADING CRITERIA: The final grade will be based on the student’s score in a written final examination, preparation and class participation. The examination grade may be raised or lowered one grade level based on the instructor’s evaluation of the student’s preparation and participation. The FIU policy on grading and normalization will be applied.

ATTENDANCE POLICY: The policy set forth in § 501 of the FIU Academic Policies and Procedures applies. Students are expected to be in class, punctual and prepared.

READING ASSIGNMENTS: All reading assignments are to be completed prior to the class in which said assignment will be discussed.
CLASS ONE: MONDAY, AUGUST 17th

READING ASSIGNMENT:
FLA. STAT. 95.11(4)(b)
FLA. STAT. 766.104
FLA. STAT. 766.106
FLA. STAT. 768.18
FLA. STAT. 768.20
FLA. STAT. 768.21
FLA. STAT. 768.0415
FLA. STAT. 768.106
FLA. STAT. 768.104
FLA. STAT. 766.102
FLA. STAT. 766.202(5)
FLA. STAT. 766.204(1) and (2)
FLA. STAT. 768.20
FLA. STAT. 768.21
FLA. STAT. 395.3025
FLA. STAT. 458.331(1)(m)
28 USC §2401(b)
Arthur v. Unicare Health Facilities, Inc. 602 So.2d 596
Nardone v. Reynolds, 333 So.2d 25
Barron v. Shapiro, 565 So.2d 1319
Tanner v. Hartog, 618 So.2d 177
Moore v. Morris, 475 So.2d 666
Norsworthy v. Holmes Regional Medical Center, Inc. 598 So.2d 105
Kush v. Lloyd, 616 So.2d 415
De la Torre v. Orta, 785 So.2d 553
Hankey v. Yarian, 755 So.2d 93
Hillsborough County Hospital v. Coffaro, 829 So.2d 862
Jones v. U.S., 2007 WL 4557211 (M.D. Fla.)
Woodward v. Olson, et. al., 107 So.3d 540

Introduction
Client Interviews
Identifying prospective Claimants
Authority to Represent & Waiver

CLASS TWO: MONDAY, AUGUST 24th

READING ASSIGNMENT:
FLA. STAT. 95.11(4)(b)
FLA. STAT. 766.102
FLA. STAT. 766.104
FLA. STAT. 766.106
FLA. STAT. 766.202(5)
FLA. STAT. 766.204(1) and (2)
FLA. STAT. 768.20
FLA. STAT. 768.21
FLA. STAT. 395.3025
FLA. STAT. 395.3025
FLA. STAT. 458.331(1)(m)
28 USC §2401(b)
Arthur v. Unicare Health Facilities, Inc. 602 So.2d 596
Nardone v. Reynolds, 333 So.2d 25
Barron v. Shapiro, 565 So.2d 1319
Tanner v. Hartog, 618 So.2d 177
Moore v. Morris, 475 So.2d 666
Norsworthy v. Holmes Regional Medical Center, Inc. 598 So.2d 105
Kush v. Lloyd, 616 So.2d 415
De la Torre v. Orta, 785 So.2d 553
Hankey v. Yarian, 755 So.2d 93
Hillsborough County Hospital v. Coffaro, 829 So.2d 862
Jones v. U.S., 2007 WL 4557211 (M.D. Fla.)
Woodward v. Olson, et. al., 107 So.3d 540
Statute of limitations
Statute of repose
Obtaining medical records (HIPAA Act of 1996 Compliance)
Preliminary review of medical records and medical terminology
Securing medical experts

CLASS THREE: MONDAY, AUGUST 31st
READING ASSIGNMENT:
FLA. STAT. 766.102
FLA. STAT. 766.106
FLA. STAT. 766.201
FLA. STAT. 766.202
FLA. STAT. 766.104(3)
Florida Rule of Civil Procedure 1.650
Public Health Trust v. Valcin, 507 So.2d 596
Shands Teaching Hospital and Clinics, Inc. v. Barber, 638 So.2d 570

Conference with medical expert
Spoliation of evidence (alteration/missing)
Obtaining all necessary pre-suit documents
Legislative Findings and Intent

MONDAY, SEPTEMBER 7th:
LABOR DAY– UNIVERSITY CLOSED

CLASS FOUR: MONDAY, SEPTEMBER 14th

READING ASSIGNMENT:
FLA. STAT. 766.102(5)
FLA. STAT. 766.106
FLA. STAT. 766.1065
FLA. STAT. 766.202
FLA. STAT. 766.203
Florida Rule of Civil Procedure 1.650
FLA. STAT. 766.28
FLA. STAT. 458.3175
Kukral v. Mekras, 679 So.2d 278
Moss v. Stadlan, 789 So.2d 1069
Columbia/JFK Medical Center, L.P. v. Brown, 805 So.2d 28
Fort Walton Beach Medical Center, Inc. v. Dingler, 697 So.2d 575
Indian River Memorial Hospital, Inc. v. Browne, 44 So.3d 237
Galencare, Inc. v. Mosley, 59 So.3d 138
Herber v. Martin Memorial Medical Center, Inc., 76 So.3d 1
Murphy v. Dulay, No. 13-14637 (11th Cir. 2014)
Buck v. Columbia, 147 So.3d 604
Types of cases that require the statutory pre-suit process
Pre-suit Notice of Claim (Notice of Intent to Initiate Medical Malpractice Litigation)
Verified Medical Expert Opinion

CLASS FIVE: MONDAY, SEPTEMBER 21st

READING ASSIGNMENT:
FLA. STAT. 766.106
FLA. STAT. 766.203
FLA. STAT. 766.205
Florida Rule of Civil Procedure 1.650
Article X Section 25 of the Florida Constitution
Florida Eye Clinic, P.A. v. GMACH, 14 So.3d 1044
Lakeland Regional Medical Center v. Neely, 8 So.3d 1268
Florida Hospital Waterman, Inc. v. Buster, 932 So.2d 344
Notami Hospital of Florida, Inc. v. Bowen, 927 So.2d 139
Lucante v. Kyker, 122 So.3d 407

Informal/ Pre-suit Discovery
a. Documents
b. Interrogatories
c. Physical/Mental Examinations
d. Unsworn Statements
e. Adverse Medical Incidents (Amendment 7) – “Patient’s right to know”
f. Policies and Procedures (Algorithms)
g. Confidentiality

CLASS SIX: MONDAY, SEPTEMBER 28th

READING ASSIGNMENT:
FLA. STAT. 766.106(3)(b)
FLA. STAT. 766.207
FLA. STAT. 766.208
FLA. STAT. 766.209
FLA. STAT. 766.211
FLA. STAT. 766.212
FLA. STAT. 768.28
28 USC §2401 (b)
St. Mary’s Hospital v. Phillipe, 769 So.2d 961
Deno v. Lifemark Hospital of Florida, Inc., 45 So.3d 959

Voluntary Pre-Suit Arbitration
Waiver of Sovereign Immunity
CLASS SEVEN: MONDAY, OCTOBER 5th

READING ASSIGNMENT:
FLA. STAT. 766.102
FLA. STAT. 766.106
FLA. STAT. 766.118
FLA. STAT. 766.203
FLA. STAT. 768.21
Florida Standard Jury Instruction 4.2 & 5.1
Estate of Michelle Evette McCall, et al, v. US, 134 So.894
North Broward Hospital District, v. Kalitan, 2015 WL 3973075, July 1, 2015
Gooding v. University Hospital Building, Inc., 445 So.2d 1015
Parham v. Florida Health Sciences Center, Inc., 35 So.3d 920
Cox v. St. Josephs Hospital, 71 So.3d 795

Limitation on damages (Caps)
Evaluation of a medical malpractice claim from a Respondent’s perspective
a. Standard of care
b. Causation (Medical certainty)
c. Damages

CLASS EIGHT: MONDAY, OCTOBER 12th

READING ASSIGNMENT:
FLA. STAT. 766.106
FLA. STAT. 766.203
St. Mary’s Hospital v. Bell, 785 So.2d 1261

Respondent’s options and response to the Notice of Intent to Initiate Litigation
Claimant’s Attorney’s written notice to Claimant

CLASS NINE: MONDAY, OCTOBER 19th

READING ASSIGNMENT:
FLA. STAT. 766.301 – FLA. STAT. 766.316
29 U.S.C. §1132
FLA. STAT. 768.0981
29 U.S.C. 1132 (aka Section 502(a) of ERISA),
Nagy v. Florida Birth Related Neurological Injury Compensation Association, 813 So.2d 155
Florida Birth Related Neurological Injury Compensation Association v. Feld, 793 So.2d 1070
Kush v. Lloyd, 616 So.2d 415
Lane v. Health Options 796 So.2d 1234
Florida Birth Related Neurological Injury Compensation Association v. Bayfront Medical
Center, Inc., 29 So.3d 992
Villazon v. Prudential Healthcare Plan, Inc., 843 So.2d 842
Pediatrix v. Falconer, 31 So.3d 310
Tarpon Springs v. Anderson, 34 So.3d 742
Orlando Regional Healthcare System, Inc. v. Sarah Gwyn and Brian Gwyn, 53 So.3d 385
Bennett v. St. Vincent’s Medical Center, Inc., 71 So.3d 828

Neurological Injury Compensation Association (NICA)
Wrongful birth
Claims against HMO for denying benefits as not medically necessary

CLASS TEN: MONDAY, OCTOBER 26th

READING ASSIGNMENT:
FLA. STAT. 766.107
FLA. STAT. 766.206
FLA. STAT. 766.104(1)
FLA. STAT. 768.0981
Derespina v. North Broward Hospital District, 19 So.3d 1128
Grau v. Wells, 795 So.2d 988
Hunt v. Huppman, 35 FLW D582 (re-read De la Torre v. Orta, 785 So.2d 553)

Filing Suit
Determination by Court Re: Good Faith
Court Ordered Arbitration

CLASS ELEVEN: MONDAY, NOVEMBER 2nd

READING ASSIGNMENT:
FLA. STAT. 768.13
Florida Standard Jury Instruction 3.3(b)(2)
Shands Teaching Hospital and Clinic v. Juliana, 863 So.2d 343
Orlando Regional Medical Center v. Chmielewski, 573 So. 2d 876
Cuker v. Hillsborough County Hospital Authority, 605 So.2d 998
Irving v. Doctors Hospital of Lake Worth, Inc., 415 So.2d 55
Roessler v. Novak, 858 So.2nd 1158

Emergency Department Liability (Good Samaritan Act)
Vicarious Responsibility
Agency (actual and apparent)
a. Advertising
b. Contracts
c. Information provided to patient/family
d. Consents
e. Tags
CLASS TWELVE: MONDAY, NOVEMBER 9th

READING ASSIGNMENT:
FLA. STAT. 766.108
FLA. STAT. 766.1185
Boston Old Colony Ins. Co. v. Gutierrez, 386 So.2d 783
Powell v. Prudential Property and Casualty Insurance Company, 584 So.2d. 12
Berges v. Infinity, 896 So.2d. 665

Mandatory Mediation
Bad faith actions

CLASS THIRTEEN: MONDAY, NOVEMBER 16th

READING ASSIGNMENT:
FLA. STAT. 768.76
FLA. STAT. 768.78
FLA. STAT. 768.79
Florida Rule of Civil Procedure 1.442
Mcfarland & Sons, Inc. v. Basel, 727 So.2d 266
Allstate Indemnity Co. v. Hingson, 808 So.2d 197
Lamb v. Matetzschk, 906 So.2d 1037
Russell v. AHCA et. al., 23 So.3d 1266; reversed by AHCA v. Riley, 119 So.3d 514
Schantz v. Sekine, 60 So.3d 444
FLA. STAT. 768.31
FLA. STAT. 768.81
FLA. STAT. 768.041
Wells v. Tallahassee Memorial Regional Medical Center, Inc. 659 So. 2d 249
Whitehead v. Linkous, 404 So.2d 377
Vendola v. Southern Bell, 474 So.2d 275
Fabre v. Marin, 623 So.2d 1182
Nash v. Wells Fargo, 678 So.2d 1262
Stuart v. Hertz Corp., 351 So.2d 703

Collateral Sources of Indemnity
a. Subrogation Lien
Offers/Demands of/for Judgment
Proposals for settlement
Alternative methods of payment
Comparative fault
Exclusion of evidence
Joint and several liability
Contribution amongst tortfeasors
Claims against initial tortfeasor (Prior to medical malpractice)
Entitlement to a set-off
LAW 6741- Military Justice
Professor Eric Carpenter

First Week Assignment:


(2) Skim the United States v. Archie case file (available on TWEN). Don’t get hung up on the details.

LAW 6750- Professional Responsibility
Professor Megan Fairlie

First Week Assignment:

Casebook (must have in hard copy form):

Lerman & Schrag, Ethical Problems in the Practice of Law (3rd Edition, 2012)

Supplemental Material (must have in hard copy form):

Lerman, Schrag, & Gupta; Ethical Problems in the Practice of Law: Model Rules, State Variations and Practice Questions 2015-2016

Florida Rules of Professional Conduct available at http://www.floridabar.org/ (click on “Lawyer Regulation”, then “Rules Regulating the Florida Bar”)

First Week Assignments:

Class 1: pp 1-56

Class 2: pp. 56-76; with updated material on text website
First Week Assignment:

Increasingly, law schools recognize that an effective legal education requires not only technical skills but also the kind of professional judgment, relevant vocational aptitudes, and maturity that are developed during the practice of law. The purpose of this course is to enhance a law student’s understanding of the legal profession and of its standards through a variety of assigned readings, self-assessment exercises and structured lectures addressing a host of issues influencing and impacting legal practice. Students enrolled in this course will get a rare chance to meet and benefit from the varied expertise of distinguished local and national speakers. This course will study the professional identity, values, roles and the attendant responsibilities and duties owed to clients, the practice and society as a whole. A fundamental question in the course will be: “What are you claiming about yourself when you tell someone you are a lawyer?”

Class Time: Tuesday, 5:00pm – 6:50pm, RDB 1008

Office Hours: Wednesdays & Thursdays, 4 – 6 p.m. I am generally available during working hours. Alternatively, please contact my assistant, Zoraya Ledesma at (305) 348-2444 or ledesmaz@fiu.edu to schedule an appointment to meet with me.

Required Texts:

TWEN: All reading assignments, materials, information and announcements will be posted to the TWEN site. You should register for this TWEN course no later than Friday, August 14, 2015.

Disability Accommodations: If you have a documented disability that requires assistance, you will need to work with the University Disability Resource Center for coordination of your academic accommodations. First year and new law students seeking accommodations for the summer semester are required to register with and submit complete documentation to the Disability Resource Center, no later than the end of the second week of classes. The failure to submit documentation in a timely manner will postpone review to until the next semester.

All accommodations are prospective. No retroactive accommodations are provided. Having received a prior accommodation in an educational or employment setting does not ensure that you will receive the same accommodation at the College of Law.

Contact information
COURSE REQUIREMENTS

Journal: Journal entries must be clear and concise using good grammar, spelling, punctuation and where relevant proper Blue Book Citations. You must deliver the documents by TWEN posting only in Word format. Clearly label journal entries with your name (your e-mail cover is not sufficient) and the week ending date for which they are submitted. Length is up to you – there is no strict maximum or minimum. However, as a general policy matter any entry less than a page and half double spaced will be deemed inadequate and no entry should be longer than 5 pages double spaced.

Law students rarely get a chance to engage in personal, reflective, moral/ethical writing. To the extent that ethical decision-making requires exercise of practical judgment guided by moral/ethical principles, “practice” is need. Hence the requirement of journal-keeping.

Each journaling exercise is designed to allow you to evaluate yourself in relationship to the class-related readings, presentations and discussions. Entries should be composed of two components. The first part of your entry should address your detailed response/reaction to the assigned readings. The second part of your entry should address your reaction/response to the week’s guest speaker(s). Assess the effect of the speaker’s presentation on you; did you agree/disagree? Did the presentation deepen your understanding of professionalism, ethics, civility, leadership or other expectation of practice? Should this speaker be invited back? I would caution you to make sure that your entry fully evidences that you have read all assigned materials and fully engaged/considered the topics covered by the various guest speakers. You are required to upload a weekly journal entry every Saturday by 6:00pm to TWEN in response/reaction to topics, materials and presentations assigned earlier that week.

The journals and their contents will be treated by me as confidential and will not be shared with others. I may, however, refer in class to observations from the journals, without attribution to the author, provided that the observations are generic enough that they will not implicitly identify the author because of its topic.

Classroom Discussion & Participation – In our meetings we seek to establish and maintain an extended conversation with each other concerning matters of professionalism, ethics, civility, leadership and professional identity. This means that each class session will be devoted to the effort of fostering a conversation within the classroom around the aforementioned topics. Class participation is very important. Your views on the issues and questions presented, and willingness to engage with the reading assignments and guest speakers is important to the progression of this course. Therefore to prevent unnecessary distractions for yourself and so as not to interfere with others’ opportunity to learn or impede a guest speaker’s ability to effectively
present, use of laptops or cellphones during class is not permitted. A violation of these rules may result in an absence for that class.

**Presentations I & II**

I. **Group Class Presentation**
   Professionalism, Ethics and Civility through an International Lens: Each group will be asked to select, compare and contrast the American legal profession’s approach towards matters of professionalism, ethics and/or civility with that of another country. The group will be required to submit a 2 page written summary and bibliography.

II. **Oral Presentation and Research Paper** – Students will submit a research paper for a portion of their final grade. The paper topic should address one of the subjective areas covered this semester: professionalism, ethics, civility and/or the role of the attorney. The topic of the paper must be approved by the instructor. A two-page description must be submitted to the instructor. The final paper should be a typed, double-spaced, and 5 – 7 pages in length. Text should be in a 12 point font; margins should be 1” on right side and top; bottom and left margins should be 1¼ “. The paper should include a table of contents, footnotes, and bibliography. The final draft of the paper is due (you will receive this information on the first day of class.) The final copy will not be returned.

You will be required to present your paper to your colleagues either on (you will this information on the first day of class.) Each student will make an oral presentation of approximately 7-10 minutes.

**Credit and Grading**
This is a two credit (2) course; graded on pass/fail basis. In order to receive a passing grade you must successfully complete all assignments and attend lectures as instructed by the professor.

**Attendance Policy and Class Participation**
This course is highly experiential, and therefore class attendance is critically important. You are required to attend each class session. You will be excused only if you have a compelling and documented reason such as health, family or work emergency. You need to contact me ahead of time to let me know if a class must be missed for this reason. A student who is absent for more than 15% of the class hours shall be deemed not to have regularly attended class and shall receive a grade of F in the course. I expect everyone to be involved in the class and to participate – by raising questions, sharing experiences and full engagement with guest speakers.

**DEFINING PROFESSIONALISM**

**FIRST WEEK ASSIGNMENT**

Aug 18 Introduction, Discussion of Course Requirements and Expectations

**Step 1 – Reading Assignment**

TWEN, Lawrence Krieger, What We’re not Telling Law Students – and Lawyers – That They Really Need to Know: Some Thoughts-In-Action Toward Revitalizing the Profession from Its Roots, 13 J.L. & Health 1 (1998-99)

TWEN, Patrick Schlitz, On Being a Happy, healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession, 53 Vand. L. Rev 871 (1999)

Step 2 - Writing Assignment
You are to obtain a copy of your law school application personal statement. If you do not have a copy on file, you can request it from the registrar's office. Using your personal statement as a backdrop, in a 250 word summary articulate your original reason(s) for pursuing a law degree. Before starting law school what type of law did you intend to practice? Has your focus changed or been reinforced by any course or any work-related experience? Also, what do you hope to get out of this course? Of the material reviewed was there any concept or theory addressing professionalism, ethics, civility or personal identity matters that particularly resonated with you. Please post both your personal statement and summary to TWEN, by Monday, August 17th, 6:00p.m. Finally, bring your personal statement and summary to the first day of class. Your summary will be read aloud by one of your colleagues.

Step 3 - Watch Movie - http://www.youtube.com/watch?v=p1CEhH5gnvg – We will discuss your reactions/responses during class.

An updated syllabus will be distributed on Wednesday, August 18, 2015.

LAW 6760- Accounting for Lawyers
Professor Jerome M. Hesch

First Week Assignment:

Accounting for Shareholders’ Equity

1. On January 1, 2015, A and B each contributed $5,000 in cash to form a business that will operate as a corporation. In return for their contribution to the capital of the corporation, they each received 100 shares of stock in the corporation. Immediately after the corporation was formed, it had $10,000 in cash and 200 shares outstanding.

   a. Should the receipt of the $10,000 contribution to capital be treated as income to the corporation? After all, the corporation now has $10,000 that it did not have before.
b. Prepare a statement of financial position for the corporation, commonly referred to as a balance sheet, as of the date of its formation, listing its assets and the shareholders’ equity in the corporation. What is meant by the term “shareholders’ equity?” How is the $10,000 contribution to capital reported on the balance sheet?

c. Immediately after the corporation was formed, what is the value of a 50% interest in the corporation? What is the value of 100 shares of stock? What is the value of one share of stock? What is each investor’s cost in the 100 shares of stock? What is the cost in a single share of stock?

2. During the 2015 calendar year, the corporation purchased a parcel of vacant land for $10,000. At the end of the year the corporation sold the vacant land for $12,000, “realizing” a $2,000 gain on the sale. The corporation had no other transactions for the 2015 year. The corporation’s income tax liability on its $2,000 gain is $300. At the end of 2015, the corporation had $12,000 in cash, but the shareholders’ equity is only $11,700 because the $300 of taxes on the corporation’s taxable income is a cost to the corporation. At year-end, the corporation had not paid its income tax liability and therefore had a liability for Federal income taxes of $300. The corporation did not pay any dividends during 2015, retaining its earnings in the business. Thus, we call the $1,700 reported in shareholders’ equity as “retained earnings.”

a. Prepare a balance sheet for the corporation as of December 31, 2015. How are the retained earnings reported on the year-end balance sheet?

b. What is the value of a 50% interest in the corporation at year-end? What is the value of 100 shares of stock at year-end? What is the value of each share of stock at year-end? Do the shareholders have to report the increase in the value of the stock that occurred during the 2015 year as income on their 2015 individual income tax returns? What is each shareholder’s cost in her stock at year-end? What is the difference between “unrealized appreciation in value” and a “realized gain?”

c. What is the amount of the corporation’s “earnings per share?”

d. Why is the corporation’s financial income $1,700 instead of $2,000?

Alternative #1: On January 1, 2016, the corporation distributed $850 in cash to each shareholder.

a. What impact does the $1,700 dividend payment have on the corporation’s retained earnings?

b. How does each shareholder treat the receipt of the $850 dividend?
Explain what is meant by the expression that corporate earnings are taxed twice.

c. How does the distribution of the $1,700 affect the value of the shareholders’ equity? After the distribution, what is the value of one share of stock? Have the shareholders suffered a real economic loss even though the value of their shares declined in value?

**Alternative #2:** The corporation does not pay a dividend. On January 1, 2016, A sells all 100 of her shares in the corporation to C for $5,850.

a. What impact, if any, does A’s sale of her stock to C have on the corporation’s balance sheet? Why was C willing to pay $5,850 for 100 shares of stock?

b. Does A have to treat the receipt of the entire $5,850 sale proceeds as income?

c. Why is there still double taxation of corporate earnings in alternative #2?

**Alternative #3:** On January 1, 2016, the corporation distributes 34 additional shares of stock, A and B each receiving 17 shares. Thereafter, A and B each own 117 shares of stock.

a. Why is this called a stock dividend? Why is the dividend in alternative #3 not reported as dividend income by the shareholders?

b. What impact does the stock dividend have on the value of the shareholders’ equity in the corporation? After the payment of the stock dividend, what is the value of a 50% interest in the corporation? Before the stock dividend, what was the value of a 50% interest in the corporation? What is the value of each share of stock after the issuance of the stock dividend?

c. What impact does the stock dividend have on the corporation’s balance sheet? In particular, does the stock dividend reduce corporate assets the way a cash dividend did?

d. Why would a corporation pay a stock dividend instead of a cash dividend?

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**LAW 6780 - Legal Analysis**

**Dean Louis Schulze, Jr.**

First Week Assignment:

1. On TWEN, sign-up for the “Legal Analysis” webcourse, and read the course syllabus in its entirety.
(2) Read: Handout “Forms of Legal Reasoning” posted on Legal Analysis TWEN course page.

(3) Read: Holmes v. South Carolina (available on course TWEN page);

(4) Read: State v. Carter (available on course TWEN page);

(5) Attend class prepared to discuss which cases provide examples of each form of legal reasoning.

(6) Please note that by Class Four, each student must have taught themselves the law related to the following subjects: relevancy, unfair prejudice, prior bad acts, character evidence, subsequent remedial measures, etc.), hearsay, impeachment by means of convictions, and the Confrontation Clause. It would make good sense to do this learning in advance of the semester, when you have more time. Please see the syllabus for more details on this matter.

Please note that I have posted all cases noted on the syllabus on the Legal Analysis course TWEN page. I have redacted each case to make them more suitable for our purposes and quicker to read.

LAW 6797- Legal Skills and Values III (All Sections)
Professors: Walter, Delionado, Grosser, Kogan, Kokoruda

First Week Assignment:

LSV III - ALL MON/WED SECTIONS
MONDAY, AUGUST 17

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 August 14, 2015. You should then draft your Cover Letter & Résumé.)

At the beginning of our first class on Monday, August 17, submit your draft Cover Letter & Résumé.

WEDNESDAY, AUGUST 20

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 24.

At the beginning of our next class (Monday, August 24), submit your Final Cover Letter & Résumé.

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LSV III - ALL TUES/THURS SECTIONS
TUESDAY, AUGUST 18

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 August 14, 2015. You should then draft your Cover Letter & Résumé.)

At the At the beginning of our first class on Tuesday, August 18, submit your draft Cover Letter & Résumé.

THURSDAY, AUGUST 20

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 25.

At the beginning of our next class (Tuesday, August 25), submit your Final Cover Letter & Résumé.

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**LAW 6806- LSV: LLM**

**Professor Chong**

First Week Assignment:

Course Introduction & The U.S. System of Government, Common Law, and the Civil Litigation Process

**Tuesday, August 18**

**Topic(s):** Course Introduction

Civil v. Common Law Systems

**Assignment:** Before this class, please read the following information:
(1) Course Information & Syllabus, and (2) Edwards, 17-26

**Thursday, August 20**

**Topic(s):** The U.S. System of Government

**Assignment:** Read McGregor, 3-6
Read Edwards, 5-8, 13-16

After this class: Start preparing for Quiz on Thursday, August 27.
LAW 6935- Caribbean Law and Development  
**Professor Antonio R. Zamora**

First Week Assignment:


**Defining the Caribbean**

**Wednesday, August 26**  
**Class 2**

A Brief History of the Caribbean, From the Arawak and Carib to the Present  

**Different Legal Systems: Civil Law, Common Law and a Combination Thereof**

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LAW 6936- Seminar: Florida Legal History  
**Professor M. C. Mirow**

First Week Assignment:


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LAW 6936- Seminar: Sexual Violence Against Women  
**Professor Eric Carpenter**

First Week Assignment:

1. Take the introductory poll on TWEN. Please go to the “customized polling” tab on the left and take the “introductory poll.” Your answers will remain anonymous and I will not release any of the poll results. This poll will not affect your grade in any way. And, don’t let any of the questions make you angry -- if you disagree with a statement, take revenge by marking “disagree.” At the same time, don’t mark “agree” with something just because you think it is the politically correct thing to do.

2. Skim the United States v. Archie case file. Don’t worry about the military details – focus on the underlying conduct (available on TWEN).
(3) Read Laura L. O’Toole et al., The Roots of Male Violence, in Gender Violence: Interdisciplinary Perspectives 3 (Laura L. O’Toole et al. eds., 2d ed. 2007) (available on TWEN).

LAW 6936- Seminar: Law and Exclusion
Professor Cyra Choudhury

First Week Assignment:

Tue: Intro to seminar, download syllabus from TWEN and read it carefully.
Lopez Ch-1-4. Come prepared to discuss the legal and racial construction of citizenship.

LAW 6936- Seminar: Biodiversity & Ecosystem Management
Professor Kalyani Robbins

First Week Assignment:

Week 1 – pp. 2-39

LAW 6936- Seminar: Law and Politics in Latin America
Professor Jorge Esquirol

First Week Assignment:

Reading Materials: Please pick up your CD which includes the syllabus and all reading materials for the seminar from Ms. Lisbeth D Lima prior to the first day of class.

Reading Assignment for First Week: In preparation for our first meeting on August 19, please read through the first section, Numeral I (1), of the syllabus, i.e.

(a) The Politics of Latin America, Vanden & Prevost (2011)

(b) The Penguin History of Latin America (excerpts)(1984)
LAW 6936- Seminar: IP and Human Rights  
Professor Janewa Osei Tutu  

First Week Assignment:  
The reading will be on the TWEN page for the course.

LAW 6936- Seminar: Advanced Copyright Law  
Professor Hannibal B. Travis  

First Week Assignment:  

LAW 6943- Legal Clinic: Immigration  
Professor Juan C. Gomez  

First Week Assignment:  
No Assignment.

LAW 6945- Criminal Externship Placement  
Professor Phyllis Kotey  

First Week Assignment:  
Information will be provided directly to the students.

LAW 6949- Civil Externship Placement  
Professor Phyllis Kotey  

First Week Assignment:  
Information will be provided directly to the students.
LAW 6984 - Judicial Externship Placement  
Professor Robert N. Scola, Jr.

First Week Assignment:

Read Chapter 1 of the textbook ("Judicial Externship: The Clinic Inside the Courthouse, 3d ed. by Rebecca A. Cochran)

LAW 6990 - Advanced Legal Analysis  
Professor Raul Ruiz

First Week Assignment:

**Week of 8/17: Introduction**

Topics Covered: Bar Study Orientation: (1) what is on the bar? (2) how to study for the bar; (3) bar study time management; (4) how the bar exam is graded and how students should adapt.

Assignments for First Class:

(1) On TWEN, sign-up for the “Advanced Legal Analysis” course, and read the course syllabus in its entirety.

(2) Bring the completed book purchase form to class. It can be found under the course materials section on TWEN.

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

LAW 7200 - US Law I  
Professor Pedro A. Freyre and Professor Francisco Rodriguez

First Week Assignment:

Chapters 1 and 2 of American Law in a Global Context by Fletcher and Shepard.
LAW 7262- International Trade Law and Policy  
Professor Jorge Esquirol

First Week Assignment:


Reading Assignment for First Week: Please read the following pages from the Casebook.

August 18: Introduction to the Course: International Economic Relations and the Economics of Trade, pp. 15-48

LAW 7303- Florida Civil Practice  
Professor Jose Rodriguez

First Week Assignment:

For Monday, read pages 3-30

For Wednesday, read pages 30-51

LAW 7364- Advanced Trial Advocacy  
Professor H. T. Smith

First Week Assignment:

Tuesday, August 18, 2015 (first PERFORMANCE)

In this session we will perform Advocacy Drills.

Preparatory materials will be distributed beforehand by email.

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

Thursday, August 20, 2015 (first LECTURE)

In our text, Trial Advocacy, please read Chapter 9 (Direct Examination: Building the Case).
In our supplemental text, Florida Trial Objections, please read pp. 5-7 (Speaking Objections), pp. 9-11 (Trial Objections), pp. 116-117 (Irrelevant), and pp. 148-149 (Prejudicial or Inflammatory).

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

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**LAW 7549- Employment Discrimination**

**Professor Kerri L. 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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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. 8-18; 23-28; 31-44; 46-52

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 7813- Community Law Teaching
Professor Phyllis D. Kotey

First Week Assignment:

Information will be provided directly to the students.

LAW 7948- Small Business Clinic
Professor John Little and Professor Shahrzad Emami

First Week Assignment:

Assignments will be sent directly to the student.