



Law

FLORIDA INTERNATIONAL UNIVERSITY

COLLEGE OF LAW

SPRING 2019

FIRST WEEK ASSIGNMENTS

LAW 5000- Contracts
Professor Ansah

First Week Assignment:

Texts:

1. Knapp, Crystal, Prince, Problems in Contract Law, 8th ed. (Aspen, 2012) – **required**.
2. Knapp, Crystal, Prince, Rules of Contract Law, Statutory Supplement (Aspen) 2017-2018 (earlier version is fine) – **required**.
3. Brian Blum, Contracts, Seventh Edition: Examples and Explanations (Aspen, 2017) – **optional/recommended**.

Please read the Introduction in the Knapp, Crystal casebook for the first class. In addition, read the first substantive case, **Ray v. Eurice Bros.**, pp.29-42.

For the second class, please read the cases on Bilateral Agreement at pp.42-60. They are:

- **Lonergan v. Scolnick**
- **Izadi v. Machado (Gus) Ford, Inc.**
- **Normile v. Miller.**

Be sure to read all the notes before and after each case.

LAW 5100- Criminal Law A
Professor Carpenter

First Week Assignment:

We will not have class on Wednesday, Jan. 9. Our first class will be Friday, Jan. 11.

For Friday, we will do units 1 and 2 in the syllabus.

Unit 1. Class introduction. Read the class syllabus.

Unit 2. Criminal law introduction. Watch the lecture “Criminal Law Introduction” that is available in TWEN. Read the following. Punishment theories, UCL § 2.03[A]-[B]; criminal law compared to torts, UCL § 1.01[A][1]; sources of criminal law, UCL ch. 3; substantive crimes overview, UCL § 7.01-7.03[B][1], 7.03[B][4][a], 7.03[C]-[D]; substantive defenses overview. UCL § 16.01-04.



Crim Syllabus
Spring 2018.pdf

LAW 5100- Criminal Law B
Professor Fairlie

First Week Assignment:

Casebook: Dressler & Garvey, Cases and Materials on Criminal Law (7th ed. 2015). Note: you **must** have a **hardcopy** of this text; we will NOT be using casebook plus.

Assignment 1:

- Ch. 1, (Introductory Materials): pp. 1-20 (A-E, ending just before State v. Ragland);
- Supplemental reading posted on TWEN (note: this means you must sign up for our course *before* we meet; when you do, please be sure to check that the email address associated with your TWEN account is accurate and one that you check regularly);
- Ch. 2 pp. (B.1.: The Penal Theories in Action: Who should be punished?) The Queen v. Dudley and Stephens, pp. 52-53. For this reading, be sure to look up any terms you don't know; the only question you need to answer is: Should Dudley and Stephens have been punished for their conduct? Why, or why not?

LAW 5259- Introduction to International and Comparative Law A and B
Dean Gomez

First Week Assignment:

Read the three (3) news articles linked below and use the stories presented there to answer the following questions for our class discussion on January 8th:

1. What is international law?
2. How relevant (or not) is international law in each case?
3. What are the most significant challenges or obstacles that international law faces in each case?

List of articles:

- Scott R. Anderson, What International Law Tells Us About the Khashoggi Investigation?, Lawfare, 14 December 2018, available at: <https://www.lawfareblog.com/what-international-law-tells-us-about-khashoggi-investigation#>
- Larry Hogan & Ralph Northam, States, like Florida, can lead the way on climate change. We must do it now. The Miami Herald, 12 December 2018, available at: <https://www.miamiherald.com/opinion/op-ed/article222985310.html>
- Frances Robles, Cuban Doctors Accuse International Agency of Profiting From Their Work, The New York Times, 29 November 2018, available at: <https://www.nytimes.com/2018/11/29/world/americas/cuban-doctors-lawsuit-brazil.html?rref=collection%2Ftimestopic%2FFlorida>

Please, note that the readings for the rest of the semester will be available on the Canvas® platform. The course number is LAW5259-U01-1191. Make sure that you register and have access to the platform. If you have any questions, please contact Professor Manuel Gómez at magomez@fiu.edu

LAW 5300- Civil Procedure A
Professor Foley

First Week Assignment:

Please note that **NO LAPTOPS** are allowed in Civil Procedure.

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

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

LAW 5300- Civil Procedure B and C
Professor Wasserman

First Week Assignment:

Go to: fiucivpro.blogspot.com

LAW 5400- Property B
Professor Mirow

First Week Assignment:

Read pages 3-22 in Dukeminier et al., *Property, Concise Edition, Second Edition* (2017).

LAW 5400- Property A
Professor Robbins

First Week Assignment:

Class 1: A Guide to the Book, pp. xxxiii-xlvi; Trespass, pp. 3-29

Class 2: Trespass remedies; Discrimination and access to places of public accommodation
pp. 34-56

LAW 5781 – Legal Reasoning U01, U10
Dean Schulze, Professor Lorenzo

First Week Assignment:

The professor will contact the student directly.

Legal Skills and Values II

LAW 5793- Legal Skills and Values II
All Sections (U01, U02, U03, U04, U05, U06, U10)
All Professors: Lozada Schrier, Klion, Correo, Delionado, Loeb, Mullins

First Week Assignment:

1. In your textbook (**Joan M. Rocklin et al., *An Advocate Persuades (2016)***), read the Introduction (pp. xix-xx), Chapter 2 (“The Ethical, Professional Advocate”), and Chapter 4 (“Motion Practice”). Skim Chapter 3 (“A Litigation Overview”).
2. On the **FIU Law Library website** (<http://libguides.law.fiu.edu/henrylatimerguide>), read the following Rules Regulating the Florida Bar, available under the **Professionalism Standards** tab:
 - Rule 4-3.1: Meritorious Claims and Contentions
 - Rule 4-3.3: Candor Toward the Tribunal
 - Rule 4-3.4: Fairness to Opposing Party and Counsel
 - Rule 4-3.5: Impartiality and Decorum of the Tribunal

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

3. Before Class 2, carefully read the Comprehensive Course Syllabus and submit your Student Information form. During or shortly before Class 1, your individual LSV professor will provide you with more information about accessing these documents.

LAW 6010- Sales
Professor Anglade

First Week Assignment:

First Week Assignment: Please read Assignment 1 and answer Problems 1.1-1.4 in the casebook, Daniel Keating, *Sales: A Systems Approach* (Wolters Kluwer 6th ed. 2016). Be sure to read the UCC provisions cited in the problems, which can be found in the supplement, *Commercial Law: Selected Statutes 2018-2019* (Foundation Press). We will discuss your answers to the problems in class.

LAW 6015- International and Comparative Sales
Professor Norberg

First Week Assignment:

Please read pp. 1-46 in the casebook, Martin Davies & David V. Snyder, *International Transactions in Goods, Global Sales in Comparative Context* (Oxford University Press 2014); CISG Articles 1, 2, 6, 7, and 95; and UCC §§ 1-301(a) and (b).

LAW 6031- Payment Systems
Professor Esquirol

First Week Assignment:

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

COMMERCIAL LAW, 9TH EDITION, (“CL”) Warren and Walt, Foundation Press (2013).
ISBN: 9781609303396

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

PAYMENTS AND CREDITS, 9TH EDITION, (“PC”) Warren and Walt, Foundation Press (2013).
ISBN: 978-1-60930-341-9

First Week Assignment: Please read pp. 643- 658 (CL); or 1-16 (PC), in the textbook

LAW 6051- Secured Transactions
Professor Esquirol

First Week Assignment:

Textbook:

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

COMMERCIAL LAW, 9TH EDITION, (“CL”) Warren and Walt, Foundation Press (2013).
ISBN: 9781609303396

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

SECURED TRANSACTIONS IN PERSONAL PROPERTY, 9TH EDITION. Warren and Walt, Foundation Press (2013). ISBN: 9781609303426

First Week Assignment: Please read pp. 1-13 in the textbook.

LAW 6052- Bankruptcy Law
Professor Norberg

First Week Assignment:

Please read pp. 1-14 in the casebook, David G. Epstein, Bruce A. Markell, Steve H. Nickles & Lawrence Ponoroff, Bankruptcy: Dealing with Financial Failure for Individuals and Businesses (4th ed. West Academic Publishing 2015); and Uniform Fraudulent Transfer Act [UFTA] (located near the back of the statutory supplement, Bankruptcy Code, Rules, and Official Forms, 2018 (West Academic Publishing 2018)) §§ 2(a), 4, 5, 7(a)(1), 8(a).

LAW 6060- Business Organizations
Professor Markham

First Week Assignment:

OFFICE LOCATION: RDB Hall

PHONE: 305-348-7483

EMAIL: markhamjerry@gmail.com

OFFICE HOURS: By Appointment

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

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

- the strengths and weaknesses of various business organizations, including partnerships, limited liability companies and corporations;
- agency law and principles;
- limitations on piercing the corporate veil;
- the incorporation process and housekeeping requirements for corporations such as by-laws and minutes, quorum requirements and notices of meetings;
- the scope and role of fiduciary duties and the application of those duties;
- application of the federal securities laws and concerns with “insider trading;”
- issues arising from corporate mergers and acquisitions;
- derivative litigation; and
- limitations on the declaration of dividends.

REQUIRED TEXTS:

Corporations and Other Business Enterprises, Cases and Materials

By: Hazen, Markham & Coyle

ISBN: 978-0-314-28437-2

Edition: 4th 20016

Publisher: West Publishing Co.

[Hazen and Markham's Corporations, Other Limited Liability Entities and Partnerships, Statutory and Documentary Supplement for Hazen & Markham's Corporations and Other Business Enterprises, Cases and Materials](#)

ISBN: 9781640205635

Edition: 2018-2019

FIRST ASSIGNMENT: Read and be prepared to discuss pages 1-50 of the text.

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

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

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

LAW 6105- Death Penalty Law
Professor Harper

First Week Assignment:

First week assignments;

[Http://deathpenalty.procon.org/view.resource.php?resourceID=00200](http://deathpenalty.procon.org/view.resource.php?resourceID=00200)

Chapters 1-3 of Text (Understanding Capital Punishment Law, **4th Edition**) This is available on line through the law library.

Read only Scalia's concurrence and Bryer's dissent in *Glossip v Gross*.

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

LAW 6112- Criminal Procedure: Investigation
Dean Moreno

First Week Assignment:

For the first class, in addition to the assigned casebook pages listed in the syllabus, read the attached materials and answer all of the questions below. Do your best to answer the questions based on the language of the relevant Constitutional provisions, your general understanding of the limits on state action, and commonsense and everyday experience. Do not spend time trying to read ahead to cases that we will cover later in the semester.

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

Relevant Constitutional Provisions:

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

Amendment IV

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

Amendment V

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

Amendment VI

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

Amendment XIV

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

Section 1.

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

FACTS AND ISSUES

A State A police officer [“Officer”] was searching for a motorcyclist he saw riding a distinctive stolen motorcycle. The biker had eluded the officer by riding away at a speed of over 100 miles per hour. In the same State A vicinity, Officer spotted a similar motorcycle under a tarp in the driveway of Suspect’s single-family home. As soon as he spotted the motorcycle, Officer walked up the driveway, removed the tarp, and confirmed that this was the stolen motorcycle.

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

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

Suspect: Get off my property.

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

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

Officer: OK. You're under arrest. Get in the patrol car.
Officer: (While driving the patrol car with the suspect in the back seat): It would be much easier for you if you told me the truth now.
Suspect: Only after I talk to my lawyer.
Officer: (After silence for 10 minutes) Whoever rode that bike this afternoon is a big dog rider.
Suspect: Yeah. I'm pretty great.

QUESTIONS

1. What evidence of criminal wrongdoing?
2. How much proof does Officer need to search suspect's driveway? Who decides if proof is sufficient?
3. What level of privacy should a suspect have in her driveway? What facts should a reviewing court consider?
4. What can the officer lawfully do to determine if the "distinctive" motorcycle is the same one that sped away? What facts should a reviewing court consider?
5. What does the IV Amendment require for a search? Why? Always?
6. Can you argue that this search is exempt from any IV Amendment requirement? What is the counterargument? What facts should a reviewing court consider?
7. Can Officer lawfully ask Suspect: "Can we ask you some questions about this motorcycle?" What facts should a reviewing court consider?
8. Can Officer lawfully arrest Suspect? What facts should a reviewing court consider? What, if anything, changes after Suspect is arrested?
9. What is Officer doing when he says: "It would be much easier for you if you told me the truth now." Is this lawful? What facts should a reviewing court consider?
10. What is Suspect doing when he says: "Only after I talk to my lawyer?" What facts should a reviewing court consider?
11. What is Officer doing when he says: "Whoever rode that bike this afternoon is a big dog rider." Is this lawful? What facts should a reviewing court consider?
12. What remedy will Suspect seek?
13. What, if any, remedy should be granted to Suspect?

1	1/8	CB 1-38; Posted and Attached (hereto pages 7-9) First Assignment – <i>The Stolen Motorcycle Case</i> Answers in writing and brought to class to be collected	I. On Studying the Legal Regulation of the Criminal Justice Process II. Sources of Criminal Procedure Law
2	1/10	CB: 48-82 After page 59, read Justice Sotomayor’s dissent in <i>Utah v. Strieff</i> https://www.ovez.org/cases/2015/14-1373	III. Some General Reflections on Criminal Procedure and its Administration Beginning with Justice Souter’s dissent in <i>Kansas v. Marsh</i> IV. The Right to Counsel



Criminal Procedure
Syllabus 2019.pdf

LAW 6235- Women and the Law
Professor Anglade

First Week Assignment:

The casebook for the class is: Bartlett, Gender and Law: Theory, Doctrine, Commentary (Wolters Kluwer 7th ed. 2016).

First week assignment: Read and be prepared to discuss: 1) Casebook, pp. 1-22; and, 2) Bartlett, Gender Law, 1 Duke Journal of Gender Law & Policy 1 (1994), posted on TWEN (Course Materials).

LAW 6264- Immigration Law
Professor J. Gomez

First Week Assignment:

Law students will be contacted directly by the program.

LAW 6305- Remedies
Professor Román

First Week Assignment:

LAW 6330- Evidence
Dean Moreno

First Week Assignment:

CLASS	TOPIC	READING	PROBLEMS
UNIT I: THE TRIAL			
1 – 1/8	Introduction: Evidence Law and the System Complete the <u>FIRST ASSIGNMENT</u> (attached) and <u>BRING YOUR WRITTEN ANSWERS</u> to class	1-51 FRE <u>101 -106;</u> <u>401-415; 601-602; 607-609;</u> <u>612-613; 701-706; 801-807</u>	1-A
UNIT II: RELEVANCE			
2 – 1/10	Relevance I -- Logical Relevance	53-71 FRE <u>401, 402</u> & ACN	2-B, 2-C, 2-D

LAW 6350- Law & Procedure US & Florida U01, U10
Professor Ruiz

First Week Assignment:

Week of 1/7/19: Introduction

Topics Covered: (1) Course Introduction; (2) Introduction to 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.
- (2) Register for Adaptibar by completing the form located at https://fiu.qualtrics.com/jfe/form/SV_2fqXw1w2qHaXJtj . A link to this form can be found on the course’s TWEN page as well. **You must register before the first day of class!**

- (3) Be prepared to pay \$100 for the course book during our first class. Payment is accepted in-class via a check or credit card. Checks should be made payable to “Barbri”. The book purchase form will be provided in class.
- (4) Purchase a license for PollEverywhere (\$14.00) at <https://www.polleverywhere.com/register?p=7p15q-140e&u=AMzDDgCH>.

There will be a quiz on the first day of class covering the material on the syllabus!

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

LAW 6361- Pre-Trial Practice

Professor Fingerhut

First Week Assignment:

Tuesday, January 8, 2019 (first lecture)

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

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

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

And read as well the Preamble and General Principles of the Trial Lawyers Section of The Florida Bar’s Guidelines for Professional Conduct.

Thursday, January 10, 2019 (second lecture)

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

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

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LAW 6383- Mediation
Professor Klein

First Week Assignment:



First Class
Assignment .pdf

Read the following excerpt:

LAW 6403- Florida Condominium & Community Association Law
Professor Jurado

First Week Assignment:

Class 1 Concept of Condominium and Homeowner Association Ownership

- Introduction
- Common-law principles
- Historical foundations
- Florida Statute 718 and 720
- Discuss the Governing Documents

Readings:

Textbook chapter 1, pages 1-24 and 44-45

Assignment:

Familiarize yourself with the condominium association's governing documents that will be provided to you in the first class. ("Governing Documents") – Bring the Governing Documents to every class.

Class 2 Planning and structuring of real estate developments using condominium and community associations.

- Choosing project structure
- Platting and building regulations
- Warranty issues
- Statutory regulations
- Tiered associations

Readings:

Textbook chapter 3, pages 1-5, 20-37, skim through 44-49, 53-62

LAW 6425- Construction Law
Professor Leiby

First Week Assignment:

1 -- Preparation for Construction

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

Learning Points:

Introduction to becoming a construction lawyer

Owner investigation and viewpoint of the Owner in the process

Licensing authority and jurisdiction

Distinction between Contractor License requiring competency and occupational license tax

Effect of arbitrary discretion in licensing

Disciplinary action for contractors

The effect of contracting without a required license

Potential statutory remedies for persons harmed by an unlicensed contractor

Cases:

1 Fluor Enterprises, Inc. v. Revenue Div., Dept. of Treasury, 477 Mich. 170, 730 N.W.2d 722 (Mich. 2007).

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

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

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

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

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

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

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

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

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

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

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

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

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

2 -- Codes affecting Construction; Building Permits

Sections 3:1 through 3:3 Florida Construction Law Manual

Learning Points:

Purpose and authority for building permits

Standing to sue with respect to a permit

Issues with code enforcement

Duty to comply with building code and effect of noncompliance

Effect of lack of knowledge of a building code

Effect of O.S.H.A violation in civil case

Discretion to ignore building codes

Effect of Americans with Disabilities Acts

Cases:

Christian v. Village of Maywood, 656 F. Supp. 367 (N. D. Ill. 1987)

Detournay v. City of Coral Gables, 127 So.3d 869 (Fla. 3rd DCA 2013).

Tri County Paving, Inc. v. Ashe County, 281 F.3d 430 (4th Cir. 2002)

Del Risco v. Industrial Affiliates, Ltd., 556 So.2d 1148 (Fla. 3rd DCA 1990)

Russ v. Wollheim, 915 So.2d 1285 (Fla. 2nd DCA 2005)

Cohen v. Hartley Bros. Constr., Inc., 940 So.2d 1251 (Fla. 1st DCA 2006)

DiMare & Drews, Inc. v. Kerrigan, 810 So.2d 1066 (Fla. 4th DCA 2002)

Jupiter Inlet Corp. v. Brocard, 546 So.2d 1 (Fla. 4th DCA 1988)

Greene v. U.S., 207 F. Supp. 2d 1113 (E. D. Cal. 2002)

Deck v. City of Toledo, 76 F. Supp. 2d 816 (N. D. Ohio, 1999)

Lindsey v. Bill Arflin Bonding Agency, Inc., 645 So.2d 565 (Fla. 1st DCA 1994)

Hy Kom Development Co. v. Manatee County, 837 F.Supp. 1182 (U.S.D.C. M.D. Fla. 1993)

LAW 6426- Real Estate Transactions

Professor Mesnekoff

First Week Assignment:

Packet - Title Terminology Pages 2-10

Generally review the Packet and Text

Be prepared to discuss how you expect this course to be of value to you and any areas of real estate transactions that may be of special interest to you.

LAW 6430- Wills and Trusts

Professor Mirow

First Week Assignment:

Read pages 3-31 in Marty-Nelson et al., *Florida Wills, Trusts, and Estates: Cases and Materials, Third Edition* (2016).

LAW 6431- Estate Planning

Professor Abukhodeir

First Week Assignment

None

LAW 6520- Administrative Law
Professor K. Coffey

First Week Assignment:

Kendall Coffey
Office: 305-858-2900
Cell Phone: 305-978-6578
email: kcoffey@coffeyburlington.com

The Administrative Law course will examine the laws controlling executive branch agencies of government. Major topics include rulemaking 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 (5th ed.)

Class schedule: Tuesday and Thursday, 8:30 PM to 9:45 PM in Room RDB 2001.

Assignments may be supplemented with other required cases and readings as announced.

SCHEDULE

1. **1/8/19** Introduction to Course; Overview of Agency Action and the Administrative Procedures Act
 - Text: pp. 5-32
2. **1/11/19** Rulemaking: Initiation of Administrative Proceedings; Procedures
 - Text: pp. 51-62, 73-85

LAW 6545- Employment Law
Professor Stone

First Week Assignment:

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

Rosabeth Moss Kanter opens her classic book, Men and Women of the Corporation, by noting: The most distinguished advocate and the most distinguished critic of modern capitalism were in agreement on one essential point: the job makes the person. Adam Smith and

Karl Marx both recognized the extent to which people's attitudes and behaviors take shape out of the experiences they have in their work.

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

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

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

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

As these examples suggest, it is not only academics and filmmakers who have stressed how important our work is to our identity. Ordinary folks have said so in their own words, as Studs Terkel's marvelous oral history of working people confirms. As he notes in his introduction: "This book, being about work, is, by its very nature, about violence--to the spirit as well as to the body. . . . It is, above all (or beneath all), about daily humiliations." Yet, work also provides a

foundation for our dreams: "It is about a search, too, for daily meaning as well as daily bread, for recognition as well as cash, for astonishment rather than torpor; in short, for a sort of life rather than a Monday through Friday sort of dying."

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

--

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

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

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

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

1. Please read U.S.-BASED MULTINATIONAL EMPLOYERS AND THE SOCIAL CONTRACT OUTSIDE THE UNITED STATES, by Donald C. Dowling Jr., which may be found at 26 ABA J. Lab. & Emp. L. 77 . Please think about whether you have witnessed or experienced discrimination in an employment or other setting. Be prepared to discuss the article in detail and to ground your discussion in your understanding of the assigned material.
2. Please read your casebook pp. 1-40.
3. Please sign up for the class's TWEN page (password=fieuemploymentlaw).
4. Please read the Class Policy on Attendance, Participation, Grading, etc. below. You are responsible for knowing and abiding by class policies as of the first day of class, so please read them all very carefully. Please note that **you are expected to attend each class prepared and punctually. A failure to abide by the class's attendance, preparedness, or punctuality requirements can result in your not being permitted to sit for the final exam.**

Class Policy on Attendance, Participation, Grading, etc.

- *****Please note that you may not bring a laptop computer into class with you. It is crucial to your development as a professional and as an attorney that you develop the skill of discussing and referencing the law without the refuge of a laptop. In most courtrooms, partners' offices, and conference rooms, you will not be permitted to transcribe notes on, consult with, or communicate with others via a laptop computer, and your training in this class should prepare you well for those situations.**
- **You may not have out or use any cell phone or electronic device to talk, IM, text, or otherwise communicate with any person during class (inside or outside of the classroom).**
- **There is no such thing as an "excused absence" in this class. This means that I never need to be notified about an individual absence of yours or the reason for it. Both the American Bar Association and the College of Law require that you attend class regularly and punctually. Under these rules, you are required to attend at least 85% of scheduled class hours in order to be permitted to sit for the final exam. The purpose of the policy is for you to be able to miss class due to such reasons as illness or emergencies. For this reason, I do not differentiate between 'excused' and 'unexcused' absences. I am required to turn over the name of any student in violation of this policy to the administration. An attendance sheet will be passed around at the beginning of each class. Please make sure you initial it. If you do not initial the attendance sheet you will be deemed absent from class. It is YOUR RESPONSIBILITY to keep track of the number of classes you have missed; my assistant should not be asked to provide this information to anyone. Please note that because I do not distinguish between excused and unexcused absences, you are advised to "save" your allotted absences for things like illnesses, emergencies, etc. You may not have any single absence "excused" and then use the remainder in such a way that you miss more than 15% of the classes. Once you miss more than 15% of the classes for any reason, you must explain yourself to the Dean's office and you will likely not be eligible to sit for the final exam. There will be no exceptions made to this policy.**
- **Your grade in this class will be based on a final examination. In addition, class preparation and participation will be a factor in your final grade. Your final examination grade may be increased or decreased by one-half letter (e.g., from B to B+, or B+ to B), based on your class preparation, performance, and participation. The quality of your class participation is more important than the quantity. Performance includes compliance with my instructions and professionalism (including arriving at class promptly, the way in which you comport yourself, etc.). This means that if you have distinguished yourself in a good way, and a classmate has distinguished herself in a bad way, you walk into your final exam with a half a grade higher than that which you will actually earn on the exam, and she walks in already having been taken down a half of a grade; if you both earn B's on the exam, you will get a B+, and she will get a B-. Further grade deflation, when approved by the Dean's office, may occur in response to excessive lateness or absences or other unprofessional or disruptive actions.**
- **Class will start and end promptly. If you are late, you may come to class, but you may NOT sign the attendance sheet for that day. I am permitted to count a lateness as an absence. Lateness will be recorded on a special "late" attendance sheet. Students who seek to sign the "late" attendance sheet must see me after class. Please note that I**

allow latecomers into the classroom because I would rather have you in class than not in class, **BUT** I view lateness by any amount of time as a distraction, as will your classmates, so coming to class late may cause your course grade may suffer as well. If you are nervous about punctuality, you are advised to arrive a few minutes early. This lateness policy is subject to revision.

- We will often engage in a question-guided discussion in class. I will call on students at random. This system is not meant to intimidate students; rather, it is designed to facilitate your disciplined preparation for class, hone your oral communication skills and keep a steady class pace. You are expected to be prepared when you are called on. Being unprepared or ill-prepared when called upon will usually have a negative effect on your grade. You may, up to two times during the semester, e-mail AT LEAST AN HOUR BEFORE class begins to let me know that you are not prepared to be called upon, and I will not call on you. This should only be done in the event of a true emergency that prevents you from reading for class. You may not participate in that day's class in any way once you have done this, and you should be on notice that you do not have to use a "pass"; in fact, it will be difficult for a student who has made use of a pass to receive a grade bump-up. In this vein, you are advised to complete your reading and review class materials in the days leading up to a class; very often, students find that traffic or unexpected events keep them from reading for class when they plan to read the day of class. This is why reading the day of class is ill-advised.
- You are responsible for getting the class notes and completing the reading for any class that you miss for any reason. Once you've done these things, you may e-mail me any specific questions that you have about the material, and I will arrange to meet with you.
- You will be expected to stay in your seat for the duration of the class session. If you need to use the restroom during class, either pursuant to a disability that the Dean's office has on record, or due to an emergency, you should do so, but short of that, it is expected that you will not get out of your seat during class.
- These policies and regulations have been created to ensure the evenhanded treatment of all students, the professional development of students, and the most productive classroom environment possible. No exceptions to these policies and regulations are contemplated.

LAW 6550- Antitrust
Professor Travis

First Week Assignment:

All readings below are from TWEN or Pitofsky, Goldschmid, & Wood

Jan. 7 - Introduction

Recent Antitrust Cases in Comparative Perspective

Jan. 9 - Monopolization I

Dyer's Case (1415), pp. 23-31

Schoolmasters' Case (1410), *ibid.*

Case of Monopolies (1602), *ibid.*

The Statute of Monopolies (1623), *ibid.*
Mitchel v. Reynolds (1711), *ibid.*, 31-35
Notes on Antitrust Policy, pp. 4-9, 12-13
Letwin, Congress and the Sherman Antitrust Act: 1887-1890 (1956), pp. 35-47
Thorelli, *The Federal Antitrust Policy* (1955), pp. 47-51

LAW 6572- Copyright **Professor Travis**

First Week Assignment:

All readings below are from Cohen, Loren, Okediji, and O'Rourke

Jan. 7 - Authors, Science, and Writings

Theoretical materials, pp. 3-8, 11-18

Historical summary materials, pp. 22-34

Burrow-Giles Lithographic Co. v. Sarony (1884), pp. 61-67

Bleistein v. Donaldson Lithographic Co. (1903), pp. 61-67

Jan. 9 - Originality and Appropriation [101 and 102]

Subject matter of copyright materials, pp. 49-54

Feist Publications v. Rural Telephone Service Co. (1991), pp. 73-79

Meshwerks, Inc. v. Toyota Motor Sales U.S.A., Inc. (10th Cir. 2008), pp. 83-89

Roth Greeting Cards v. United Card Co. (9th Cir. 1970), pp. 131-136

LAW 6574- International Intellectual Property **Professor Osei Tutu**

First Week Assignment:

The professor will contact the student directly.

LAW 6576- Trademarks and Geographical Indicators **Professor Osei Tutu**

First Week Assignment:

The professor will contact the student directly.

LAW 6583- Education Law

Professor Carbajal De Garcia

First Week Assignment:

The reading for the first week of classes for the Education Law course are pages 1 - 34 and 62 - 65 of the class textbook.

LAW 6610- Corporate and Partnership Tax

Professor Gabilondo

First Week Assignment:

Please sign up for the course website in TWEN and read the syllabus. In Kwall, please read Chapter 1. On TWEN, please review the Entity Classification document and Form 8832. Also, look at the Schematic Overview of the Course, listed on the left-hand menu. We will spend the first week on Chapter 1 and these materials.

LAW 6710- Family Law

Professor Zayas

First Week Assignment:

January 8, 2019	Read Syllabus. Read Rules of Professional Responsibility, Excerpts from Chapter 4; Rules 4-1.1, 4-1.2, 4-1.3, 4-1.4, 4-1.6, 4-2.1, 4-3.1, 4-3.2, 4-3.3, 4-3.4, 4-4.2, 4-4.3, 4-4.4, and 4-5.2.	Understand expectations for class. Overview and Ethics of Family Law: Exploring the modern vision of marriage and family and analyzing an attorney's role in family law both professionally and ethically.
January 10, 2019	Read <i>Loving v. Virginia</i> , 388 U.S. 1 (1967); <i>Griswold v. Connecticut</i> , 381 U.S. 479 (1965); and, <i>Obergefell v. Hodges</i> , et. Al, 135 S.Ct. 2584 (2015).	Marriage: Who has a right to marry and what are the constitutional implications to marriage. You should consider how social changes have impacted the legality of marriage and how the law is slow to change.

LAW 6741- Military Justice

Professor Carpenter

First Week Assignment:

No class on Tuesday, Jan. 8. Our first class will be Thursday, Jan. 10.

For Thursday, Jan. 10, we will do unit 1 in the syllabus. Read the syllabus. Read the current event updates found in the reader. Skim PMJ, chapter 1.

LAW 6750- Professional Responsibility

Professor Kotey

First Week Assignment:

Text: Professional Responsibility: A Contemporary Approach, Knake et al. (2017)

Reading Assignment:

Chapter 1: Introducing Professionalism and Legal Ethics pp. 1-21

Chapter 2: Introduction pp. 23-27

Defining the Practice of Law pp. 27-56

Legal Skills and Values III

LAW 6797- Legal Skills and Values III

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

All Professors

First Week Assignment:

MONDAY, JANUARY 7

Topics: Course Introduction; Cover Letters & Résumés

Assignment -

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

At the beginning of our first class on Monday, January 7, submit a your draft Cover Letter & Résumé (print copy, not email).

WEDNESDAY, JANUARY 9

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

Legal Research – Substance & Contract Forms

Assignment -

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

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

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

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

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

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

At the beginning of our next class (Monday, January 14), submit your Final Cover Letter & Résumé.

LAW 6798- Advanced Legal Research

Professor Hurst

First Week Assignment:

January 9: Developing a Legal Research Plan and Review of Secondary Sources

Student Preparation: (all materials available via the Web Course)

- Skim/Read: Osbeck, Chapters 1-2
- Skim/Read: Boolean Searching by Kathleen Sasala
- Review Boolean Logic/Using Terms and Connectors when Searching Online for Legal Documents, by Washington University Law
- Review the Boolean Terms and Connectors documents for Westlaw, LexisNexis, and Bloomberg Law
- Ensure that you have a current, active account with LexisNexis, Westlaw, and Bloomberg Law. I will refer to each of these periodically throughout the semester. Contact the FIU Law Library if you need help retrieving your credentials for these services.

o Course Introduction:

- Review syllabus, course overview, and expectations
- Review class participation, attendance, etc.
- Review cheating and plagiarism

- Review LexisNexis Web Course for this class
- Review Lexis Learn

- o Lecture:**
- Legal research overview and where to begin
- Developing a legal research strategy

- Using Boolean terms and connectors/advanced search methods
- Secondary sources review

- o Assignments:**
- Discussion Board Week 1: Use of Secondary Sources
- Homework: Assignment 1 – Developing a Research Strategy and Using Boolean
- Complete: Lexis Learn Modules
- Module 02 – Constructing an Effective Search
- Module 03 – Why Start Your Research with Secondary Sources?

LAW 7303- Florida Civil Practice
Professor Rodriguez

First Week Assignment:

Monday January 7 read pages 3-30.

Wednesday January 9 read pages 30-51.

LAW 7475- Ocean & Coastal Law
Professor Robbins

First Week Assignment:

Class 1: Casebook pp. 1-30 (Historical background of the law of the sea)

Class 2: Casebook pp. 30-65 (Present day ocean jurisdiction)

LAW 7503- Florida Constitutional Law
Professor J. Coffey Armstrong

First Week Assignment:

1. **1/8/19** Introduction to Course; State Constitution as a Limit on Inherent Power
• Fla. Constitution: Article I section 1

- Text: pp. 1-8
- 2. **1/10/19** Overview of Florida Constitution and Its History; Interpretation of Constitutional Provisions
- Text: pp. 8-11
- *Bush v. Holmes*, 919 So.2d 392 (Fla. 2006)

LAW 7511- First Amendment Law
Professor Baker

First Week Assignment:

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

For the first day of class, Tuesday, January 8th:

1. Read the first amendment — think about it — really think about what it means. What do you think you know about it?
 2. Read the Preface in the casebook.
 3. Register with your Westlaw password on the TWEN site for the course:
<http://lawschool.westlaw.com/twen/>.
 4. Download and read the “Casebook Problems Assignment” that explains how you will be graded in this course.
 5. Download and read the “Checklist for First Amendment Problems.”
 6. Download and read “10 Suggestions for Interlocutors” that describes the duties of Interlocutors — three students will sign up in advance to act as Interlocutors for each class meeting.
 7. Download and read “Class Participation (Optional) Extra Credit” that describes how you can earn extra participation credit.
 8. Bring these four (4) downloaded documents (#4 to #7 above) to the first class meeting.
 * * * *
- Do not come into the classroom if the class session has begun — there will be a brief “intermission” at approximately 5:30 P.M. when late students may join the class through the back door and sit in the back row so as not to disturb the discussion — the clock in the classroom is the official time.
 - Use your laptop *only* for class-related tasks — this privilege will be suspended if there is significant misuse —and be sure to turn off your cell phone. Before you use a laptop in class read [this article](#) in the New York Times.

- Do not wear a hat during class.



Assignment
Casebook Problems



Assignment extra
credit class participa



Assignment First
Day 2019.doc



Professor Baker's
Checklist for Writing

LAW 7549- Employment Discrimination

Professor Stone

First Week Assignment:

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

Rosabeth Moss Kanter opens her classic book, Men and Women of the Corporation, by noting: The most distinguished advocate and the most distinguished critic of modern capitalism were in agreement on one essential point: the job makes the person. Adam Smith and Karl Marx both recognized the extent to which people's attitudes and behaviors take shape out of the experiences they have in their work.

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

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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.

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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."

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

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implemented. This class will focus primarily on several pieces of federal legislation that regulate status-based employment discrimination: Title VII of the Civil Rights Act of 1964 (race, color, sex, religion, national origin), the ADEA (age), and the ADA (disability), as well as the jurisprudence that construes and applies them.

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

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

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

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

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

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

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each class. Please make sure you initial it. If you do not initial the attendance sheet you will be deemed absent from class. It is YOUR RESPONSIBILITY to keep track of the number of classes you have missed; my assistant should not be asked to provide this information to anyone. Please note that because I do not distinguish between excused and unexcused absences, you are advised to “save” your allotted absences for things like illnesses, emergencies, etc. You may not have any single absence “excused” and then use the remainder in such a way that you miss more than 15% of the classes. Once you miss more than 15% of the classes for any reason, you must explain yourself to the Dean’s office and you will likely not be eligible to sit for the final exam. There will be no exceptions made to this policy.

- Your grade in this class will be based on a final examination. In addition, class preparation and participation will be a factor in your final grade. Your final examination grade may be increased or decreased by one-half letter (e.g., from B to B+, or B+ to B), based on your class preparation, performance, and participation. The quality of your class participation is more important than the quantity. Performance includes compliance with my instructions and professionalism (including arriving at class promptly, the way in which you comport yourself, etc.). This means that if you have distinguished yourself in a good way, and a classmate has distinguished herself in a bad way, you walk into your final exam with a half a grade higher than that which you will actually earn on the exam, and she walks in already having been taken down a half of a grade; if you both earn B’s on the exam, you will get a B+, and she will get a B-. Further grade deflation, when approved by the Dean’s office, may occur in response to excessive lateness or absences or other unprofessional or disruptive actions.
- Class will start and end promptly. If you are late, you may come to class, but you may NOT sign the attendance sheet for that day. I am permitted to count a lateness as an absence. Lateness will be recorded on a special “late” attendance sheet. Students who seek to sign the “late” attendance sheet must see me after class. Please note that I allow latecomers into the classroom because I would rather have you in class than not in class, BUT I view lateness by any amount of time as a distraction, as will your classmates, so coming to class late may cause your course grade may suffer as well. If you are nervous about punctuality, you are advised to arrive a few minutes early. This lateness policy is subject to revision.
- We will often engage in a question-guided discussion in class. I will call on students at random. This system is not meant to intimidate students; rather, it is designed to facilitate your disciplined preparation for class, hone your oral communication skills and keep a steady class pace. You are expected to be prepared when you are called on. Being unprepared or ill-prepared when called upon will usually have a negative effect on your grade. You may, up to two times during the semester, e-mail AT LEAST AN HOUR BEFORE class begins to let me know that you are not prepared to be called upon, and I will not call on you. This should only be done in the event of a true emergency that prevents you from reading for class. You may not participate in that day’s class in any way once you have done this, and you should be on notice that you do not have to use a “pass”; in fact, it will be difficult for a student who has made use of a pass to receive a grade bump-up. In this vein, you are advised to complete your reading and review class materials in the days leading up to a class; very often,

- students find that traffic or unexpected events keep them from reading for class when they plan to read the day of class. This is why reading the day of class is ill-advised.
- You are responsible for getting the class notes and completing the reading for any class that you miss for any reason. Once you've done these things, you may e-mail me any specific questions that you have about the material, and I will arrange to meet with you.
 - You will be expected to stay in your seat for the duration of the class session. If you need to use the restroom during class, either pursuant to a disability that the Dean's office has on record, or due to an emergency, you should do so, but short of that, it is expected that you will not get out of your seat during class.
 - These policies and regulations have been created to ensure the evenhanded treatment of all students, the professional development of students, and the most productive classroom environment possible. No exceptions to these policies and regulations are contemplated.

LAW 7804- US Law II- LL.M.
Professor Roca-Shaw

First Week Assignment:

LAW 7813- Community Law Teaching
Professor Kotey

First Week Assignment:

TEXT: The Criminal Law Handbook: Know Your Rights, Survive the System, Paul Bergman & Sara J. Berman
No reading assignment

LAW 7948- Small Business Clinic
Professor Little

First Week Assignment:

Students will be contacted directly by the clinic.

LAW 7993- Transnational Disputes
Professor Garcia/Peral

First Week Assignment:

None

Trial Advocacy & Advanced Trial Advocacy

LAW 6363- Trial Advocacy

All Sections

All Professors

First Week Assignment

Monday and Tuesday, January 7 and 8, 2019 (first PRACTICE SECTIONS)

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

No advance preparation is required.

All materials will be provided in class.

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

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

Wednesday, January 10, 2019 (first LECTURE)

ALL STUDENTS must come to class prepared to stand and deliver (WITHOUT NOTES) a favorite/meaningful passage -- or portion thereof -- from any song, movie, poem, book, etc., and also be prepared to explain its personal significance. The passage selected MUST be between 10 and 15 seconds long (no more, no less).

Students MUST bring to this first lecture a courtroom-suitably-colored LARGE (3- or 4-inch) 3-RING BINDER -- OR, if students prefer, a similarly wide LEGAL-SIZED (not letter-sized) ACCORDION FOLDER, with to-be-labeled manila file folders placed within -- which shall serve as your TRIAL NOTEBOOK for the semester.

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

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

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

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

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

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LAW 7364- Advanced Trial Advocacy
Professor Smith

First Week Assignment:

Tuesday, January 8, 2019 (First Performance)

1. Each student will present a four (4) minute Opening Statement. The case is about a fight between two (2) high school students on campus. You must fill in all of the other facts. I will be looking for presence, poise, pace, a persuasive theory, a memorable theme and the use of words that help the listener to see the action.
2. Advocacy Drills will be performed in this session. You must memorize the Pledge of Allegiance for use in one drill. Materials will be distributed during the class.

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

Thursday, January 10, 2019 (First Lecture)

1. In our main course text, students must read and outline Chapter 3 - Case Theory and Theme Development (Do NOT include the Checklist on pages 59-61). Students shall turn in a copy of the outline at the beginning of class.
2. 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).
3. Turn in one page listing 12 Commercial Tag Lines (for example, "Just Do It," by Nike).
4. Read and be prepared to discuss the four (4) articles to be emailed to you once the fall examination period is over.

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

Seminars

LAW 6936- Seminar: Banking Regulation **Professor Markham**

First Week Assignment:

EMAIL: markhamjerry@gmail.com

OFFICE HOURS: By Appointment

COURSE DESCRIPTION: This is a seminar on state and federal laws governing banking activities.

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

- the history of banking regulation;
- the history thrift and credit union regulation;
- the business of banking;
- the current banking regulatory structure;
- banking assets, liabilities and capital;
- government supervision, enforcement and failed bank resolution;
- bank merger and branching issues;
- trust fund, capital market, derivatives and insurance activities; and
- the international regulation of banks.

REQUIRED TEXTS:

Lissa L. Broome & Jerry W. Markham, Regulation of Bank Financial Service Activities: Cases and Materials (5th ed. 2018).

ISBN: 978-1-68328-122-1.

FIRST ASSIGNMENT: Read and be prepared to discuss pages 1-49 of the text.

TENTATIVE OUTLINE: The detailed Table of Contents in the casebook provides an outline of major topics. We will proceed through the casebook at an anticipated rate of fifty pages per week. Students should plan on spending at least four hours in reading and mastering the material assigned for each meeting of the seminar.

PERFORMANCE MEASURES: Students will be graded on the basis of a paper that will be due at the last meeting of the seminar. The paper must conform to Law School guidelines for length and content. The paper should be in Bluebook format and sources footnoted. The papers will be graded on the basis of their content and demonstrated research and reliance on a wide variety of sources. Students will be required to present their papers at the last meeting of the seminar.

ATTENDANCE STANDARDS: A sign-up sheet will be circulated at each meeting of the seminar. Student grades may be reduced for lack of attendance in degrees prescribed by Law School procedures.

LAW 6936- Seminar: Habeas Corpus
Professor Jordan

First Week Assignment:

The Great Writ in England and the United States in the Early 1800s: Casebook pp. 1-9. Please also read (in this order) Clause 39 of Magna Carta (1215) (in statutory appendix); Bushell's Case, 89 Eng. Rep. 2 (C.P. 1670) (available on Westlaw); the English Habeas Corpus Act of 1679, 31 Car. II, ch. 2 (in statutory appendix); Somerset v. Stewart, 98 Eng. Rep. 499 (K.B. 1772) (available on Westlaw); the Suspension Clause of the Constitution, Art. I, § 9, cl. 2 (in statutory appendix); § 14 of the Judiciary Act of 1789 (in statutory appendix); Ex Parte Bollman, 8 U.S. 75 (1807); Elkinson v. Deliesseline, 8 F. Cas. 493 (1823); Ex Parte Watkins, 28 U.S. 193 (1830); and Ex Parte Dorr, 44 U.S. 103 (1845).

LAW 6936- Seminar: The Financial Sector 10 Years Later: Crisis, Recovery, and Regulatory Challenges
Professor Gabilondo

First Week Assignment:

Please sign up for the course website in TWEN, read the syllabus, and in the material in the folder labeled January 8th skim the excerpt from Financial Crisis Inquiry Commission and skim the other materials.

LAW 6936- Seminar: Caribbean American Law Institute
Professor Kotey

First Week Assignment:

Text: Rose-Marie Belle Antoine, Commonwealth Caribbean Law and Legal Systems (2d ed. 2008).

Reading Assignment:

Chapter 1: Introduction to Law and Legal Systems the Commonwealth Caribbean pp. 1 – 17

LAW 6936- Seminar: Hate Speech and Its Relatives (Extreme Speech)

Professor Fish

First Week Assignment:

Read *Collin v. Smith*, 578 F.2d 1197 (7th Cir. 1978).

LAW 6936- Seminar: Citizenship & Immigration **Professor Roman**

First Week Assignment:

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

First Week Assignment:

Please read pp. ix-xiii and 1-22 in our assigned text (Schabas, *An Introduction to the International Criminal Court*, 5th ed. 2017) and skim Articles 5-8bis of the ICC Statute (available online and in the back of the text (Appendix 1)).

[The International Criminal Tribunal for the former Yugoslavia](#) (Fausto Pocar) (paras 1-10; 14-26; 28-35; 40-46);

[The International Criminal Tribunal for Rwanda](#) (Fausto Pocar) (1-17)

If you are unfamiliar with the work of the Security Council and General Assembly, please take the time to do some elementary web-based research so that you fully understand this assigned reading. You will find helpful links for this in the assigned electronic entries above. These appear in the Max Planck Encyclopedia of Public International Law (accessible through the FIU Law Library catalog; note: you will need to be logged-in for the links to work. Otherwise, you will need to access this resource through the library catalog and then search for the individual entries). Please come prepared to share something you learned from these introductory materials, as well as one question you now have.

LAW 6936- Seminar: Financial Technology **Professor Travis**

First Week Assignment:

No Assignment.

Clinics

LAW 6106- Death Penalty Clinic **Professor Harper**

First Week Assignment:

Law students will be contacted directly by the program.

LAW 6723- Community Lawyering (Medical Legal) Clinic **Professors Batista, Birnholz, Parchment**

First Week Assignment:

Law students will be contacted directly by the program.

LAW 6943- Immigration & Human Rights Clinic **Professor J. Gomez**

First Week Assignment:

Law students will be contacted directly by the program.

LAW 7948- Small Business Clinic **Professor Little**

First Week Assignment:

Law students will be contacted directly by the program.

Externships

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

Professor Kotey

First Week Assignment:

TEXT: *Learning from Practice (2016) Leah Wortham, Alexander Scherr, Nancy Maurer, Susan Brooks

No reading assignment

LAW – 6984- Judicial Externship Placement

Professor Scola

First Week Assignment:

TEXT: *Learning from Practice (2016) Leah Wortham, Alexander Scherr, Nancy Maurer, Susan Brooks

No reading assignment