

BUSINESS AND COMMERCIAL LAW

The law is an essential part of business and financial transactions, from the simplest purchase to a multi-billion dollar international joint venture. The KU law curriculum covers the entire spectrum of business transactions.

The study of business and commercial law begins with the first year **Contracts** course which takes students from the history of contract formation and enforcement (**Contracts I**) through the modern statutory treatment in the Uniform Commercial Code (**Contracts II**). Other first year courses introduce students to areas of law that intersect the business world. **Property I and II** is the groundwork for courses in **Land Transactions, Real Estate Finance**, natural resources, and environmental law. **Civil Procedure I and II** are the foundation of litigation; and **Torts** is the background for **Products Liability** and **Workers Compensation**.

Students interested in business and commercial law need to pay careful attention to the prerequisites for each class. A list of these is available in the catalog. **Commercial Law: Secured Transactions** is required of all students. Secured Transactions is a pre-requisite for **Bankruptcy, Advanced Bankruptcy** and **Agricultural Law**. A separate Commercial Law course covers **Payment Systems**. Other electives of interest include **Antitrust, Commercial Arbitration**, and **Insurance Law**.

The basic forms of business organizations, such as corporations, partnerships, and limited liability companies are covered in **Business Associations I and II**. Business Associations is a pre-requisite for courses in **Corporate Transactions, Securities Regulation, Taxation of Business Enterprises, Business Planning**, and **Taxation of Mergers and Acquisitions**. Other related electives are **Capital Raising by Privately held Business Firms** and **Nonprofit and Tax-Exempt Organizations**.

Students with an interest in international affairs can study **International Commerce and Investment, International Trade Law** and **International Economic Law and Development**. More information about related areas can be found in the Curriculum Guides for International Law, Environmental Law, and Tax Law.

Many students interested in business law choose the joint degree program in Law and Business, which allows students to obtain both a J.D. and an M.B.A. in four years. Students must be admitted to the joint degree program during the first year of law school.

For further information about Business and Commercial Law including the joint JD/MBA program contact Associate Dean Webb Hecker whecker@ku.edu

Civil Litigation: What Do You Need to Know?

A lot of students come to law school aspiring to be trial lawyers, or litigators in modern parlance. This could come from the spate of lawyer shows on TV, or a love of forensic oratory, or a keen satisfaction in persuading others to your view, or something else, but whatever the source, the interest is there.

But what is the best way to prepare for being a civil litigator? There is a tendency to believe that trial practice-oriented courses like **Trial Advocacy** and **Advanced Litigation** are the most important courses. They are important, of course, but too many students overlook other courses that are equally important, and maybe more so. More than 95% of civil cases filed do not go to trial. Thus, you need to focus considerable attention on courses that will help you position yourself to help your client outside the trial.

It is critically important, for example, that you have a good grounding in **a variety of doctrinal courses**. The cases you litigate will always be grounded in one or more areas of substantive law. While you cannot study every area of law that you are likely to encounter in practice, the more doctrinal areas you are familiar with, the better. And that broad familiarity with law will also make it easier for you to master new areas of law that come up in your practice.

Pretrial Advocacy gives you a solid grounding in the procedures that lead up to the trial. It could be termed “Civil Procedure in Practice.” For most cases, the pretrial stage is where the case’s outcome is determined – and that includes cases that go to trial.

Alternative Dispute Resolution is another course that every potential litigator ought to take. Mediation and arbitration are increasingly important ways of resolving disputes, including disputes that start out in litigation.

An often overlooked course that litigators ought to take is **Administrative Law**. Indeed, every aspiring lawyer ought to take this course. It can pretty much be guaranteed that no matter what you do in practice, you will encounter administrative agencies, and it is important that you understand how they work.

Conflicts of Laws is also easy to overlook. It helps you sort out which state’s laws apply in multi-state disputes. Among other things, if you don’t know how the various states resolve their conflicts issues, you could wind up suing in a state that is not favorable for your client. Thus, you should be thinking of conflicts issues even before you file suit; and if your opponent fails to consider those issues, you could definitely find that you have a leg up.

Complex Litigation is something that may come up in any litigation practice, but some firms specialize in it. Class actions, in particular, are almost a separate species of litigation, so someone who understands ordinary litigation still has a way to go to master class actions.

Everyone who litigates should have taken **Federal Courts**. The course, which might be described as advanced subject matter jurisdiction, is full of things that will astonish you, and if you don't know that they are there, they could be traps for you. Political science junkies should also like this course. The two major themes of the course are separation of powers and federalism – the role of federal courts vis-a-vis the other branches of government and vis-a-vis the state courts.

Civil Rights Actions is the other half of Federal Courts. It is somewhat more specialized, dealing with habeas corpus, civil rights litigation, and state sovereign immunity, among other things. But these are also things that could come up in any practice, and they are sufficiently complex that it behooves you to get some help in understanding them.

This is just a start on identifying useful courses for the civil litigator. The School's curriculum is rich in litigation-related courses – much richer than many other schools that I know of. So prepare yourself wisely, and you can have an exciting and successful career as a litigator – a career where there's something new every day.

Prepared by Prof. Ellen E. Sward

CONSTITUTIONAL LAW

In the list of courses below, **Basic Required Courses** provide an introduction to basic aspects of constitutional law and are required of all students for Graduation. **Advanced Constitutional Law Courses** include courses concerning individual rights, the structure and operation of government, and other constitutional topics. **Substantive Courses with Constitutional Elements** are courses dealing with particular subjects, a significant component of which is constitutional in character. The listed **Clinical Courses** involve fields of practice or placements that often have constitutional dimensions.

Basic Required Courses

LAW 818, Criminal Procedure, 3 Credits Spring semester. An introduction to criminal procedure, including investigation and police practices, pre-trial proceedings, trials, sentencing, and review proceedings. Particular emphasis on the application of the exclusionary rule to arrest, search and seizure, interrogation procedures, and identification procedures.

LAW 882, Constitutional Law, 4 Credits A survey of the major aspects of constitutional law: judicial review and the function of the Supreme Court of the United States, powers of Congress and of the Executive, constitutional limitations upon the states, and the protection of individual rights. Fulfills Constitutional Law requirement.

Advanced Constitutional Law Courses

LAW 887, Constitutional Topics, 3 Credits Examines the application of constitutional law and principles to selected social issues. Specific topics will be announced; topics may include such subjects as constitutional history, constitutional interpretation, the constitutional law of schools, gender and constitutional issues, or national security law. A writing project typically is required in place of a final examination. Prerequisite or Co requisite: Constitutional Law.

LAW 886 Civil Rights Actions, 2 Credits A survey of the law governing civil suits against government entities and officials to remedy violations of federal constitutional rights. The focus of the class is litigation under 42 U.S.C. §1983, which creates a civil cause of action for damages and injunctive relief to remedy violations of federal constitutional rights. This area of law is sometimes referred to as "constitutional torts," because it involves civil litigation that is in many ways similar to traditional tort actions. The course covers the elements of a Section 1983 action, the constitutional immunity of states and state officers, defenses to Section 1983 liability, defendants' liability for attorneys fees under 42 U.S. C. § 1988, civil suits against federal defendants, and the relationship between Section 1983 and federal habeas corpus.

LAW 954, Legislation, 3 Credits Examines the role of legislation and the legislative process in American law, the formulation of legislative policy, and methods of statutory interpretation. Provides instruction and practice in statutory drafting.

LAW 850, Administrative Law, 3 Credits The separation and delegation of powers. The development of administrative function. Administrative discretion, notice, hearing, jurisdiction, conclusiveness of determination, and judicial control. Examination of current problems in various administrative processes.

LAW 910, Federal Courts and the Federal System, 3 Credits Role of the federal courts in our constitutional federal system. Areas and sources of federal judicial jurisdiction and its limitations; abstention doctrines; federal court control over state proceedings; appellate and original jurisdiction of the Supreme Court; federal common law.

LAW 979, Race Discrimination Law, 3 Credits The uses and limitations of law in solving the race relations problems of 20th-century America. The effectiveness of legislative and administrative action in protecting civil rights.

LAW 916, The State and Religion, 2 Credits An analysis of judicial doctrine and method used to resolve conflicts between First Amendment freedoms and other governmental and/or private interests. Focuses on selected First Amendment problems relating to national security, government secrecy, time-manner-place regulations of expression, the administration of the judicial system, regulation of obscenity, offensive speech, defamation, invasion of privacy and commercial speech, access to and regulation of the media, and individual interests in religion, privacy, and academic freedom. Taught on a seminar basis when enrollment permits. Prerequisite: Constitutional Law.

Substantive Courses with Constitutional Elements

LAW 917, Governmental Control of Land Development, 3 Credits A broad review of land use controls on urban development, including zoning, master planning, subdivision regulation, impact fees, regional controls, and other techniques. Also examines constitutional aspects of controls, as well as the public issues and policies that sustain them.

LAW 956, Local Government Law, 3 Credits The structure, functions, and jurisdictions of local governmental units; intergovernmental arrangements and relationships, financing and staffing local government; tort liability of local governments.

LAW 914, Federal Indian Law, 3 Credits Addresses the law and policy of the United States regarding Indian nations and their members. Issues include: the origins and contours of federal plenary power over Indian affairs, the scope of inherent tribal sovereignty, the limits of state power in Indian country, civil and criminal jurisdiction, and gaming.

LAW 932, International Human Rights, 2 Credits A study of the objectives, provisions, and institutions of international human rights law. Among the areas covered will be international, regional, and domestic sources of human rights law, the various domestic and international fora for raising human rights questions, and theoretical questions on the scope and value of international human rights protection.

LAW 958, Media Law, 3 Credits A study of the legal regulation of the media industry and the application of the law to the media and to journalists.

Clinical Courses

LAW 895, Defender Project, 3 Credits Actual field experience in servicing the legal problems of inmates at the United States Penitentiary at Leavenworth, the Kansas State Penitentiary at Lansing, and the Kansas Correctional institution at Lansing. Students interview clients, investigate and marshal facts, and engage in negotiation, preparation of administrative appeals, and drafting of court briefs and other documents. Students must enroll for academic year, for 3 credits per semester. Concurrent enrollment in Law 896 is required.

LAW 933, Judicial Clerkship Clinic, 3 Credits Involves upper-class students in working with state and federal judges as part-time law clerks. Students work with judges on various legal matters currently pending before the court. The students also participate in various workshops and an end-of-semester seminar on various topics relating to judicial administration. Prerequisite: Students must have completed forty law school credit hours prior to enrollment in the clinic.

LAW 959, Media Law Clinic, 3 Credits Practical, in-depth studies of law, policy, regulation, and professional ethics that shape the relationship between the communications media and such institutions as the judiciary, legislature, agencies, business, education, and the professions. Individual students or teams of students, supervised by the clinic director, prepare research reports in response to requests from lawyers, policy-makers, publishers, and others who are concerned with the free flow of accurate, fair, and timely news and information in a democratic society. The clinic is designed to advance students' skills and knowledge in analyzing the rights and responsibilities of the communications media and the individuals and organizations that depend on those media to inform the citizenry.

LAW 976, Public Policy Clinic, 3 Credits The Public Policy Clinic undertakes in-depth, balanced

policy studies in response to requests from public officials. Individual students, or teams of students, supervised by the clinic director, prepare the research reports. Designed to give students practical experience in applying analytical policy methods to public policy issues.

For further information please contact Professor Richard Levy (Room 309B): 785-864-9220; rlevy@ku.edu

CRIMINAL LAW

The School of Law offers a unique and varied curriculum for students interested in practicing in the field of criminal law. KU law students have the opportunity to delve into constitutional and statutory criminal law, explore procedural and substantive issues, learn state and federal law, and gain hands-on experience in the trial and appellate arenas. By taking advantage of the wide selection of courses and clinics, upon graduation, students will be fully equipped to prosecute or defend criminal cases in state or federal court.

Curriculum

In their first year of law school, all students are required to take Criminal Law and Criminal Procedure. **Criminal Law** provides students with a basic understanding of the elements of various crimes, theories of culpability, and theories of defense. **Criminal Procedure** introduces students to the constitutional underpinnings of the criminal process, beginning with law enforcement and the investigative stages. Upon completion of the first year of law school, each student has a strong foundation in criminal law and procedure upon which to build greater expertise.

For second and third year students who choose to expand their knowledge of criminal law issues, the KU law school offers a variety of opportunities, both in the classroom and in clinical settings. **Advanced Criminal Procedure** expands on the issues covered in the first year course and emphasizes pretrial and trial proceedings. **Federal Criminal Prosecution** focuses on federal crimes (such as racketeering, money laundering, fraud and political corruption), the relationship between federal and state prosecution, and the federal sentencing guidelines. The state criminal process is covered in **Criminal Practice in Kansas**, which is devoted entirely to the Kansas criminal code, case law and procedures. Students in **Juvenile Law** study juvenile courts and principles of law, psychology, and physiology related to juvenile offenders. In the **Capital Punishment** seminar, students focus not only on the constitutional provisions and rules of procedure that apply in death penalty cases but also on policy questions inherent in utilizing death as punishment. Periodically the law school also offers courses in **Comparative Criminal Law and Comparative Criminal Procedure**.

KU law students have the opportunity to apply knowledge gained in the classroom to actual criminal proceedings by participating in a number of clinical programs. Students in the **Defender Project** represent inmates incarcerated in state and federal institutions in habeas corpus and appellate proceedings. In the **Legal Aid Clinic**, students represent indigent defendants in juvenile and municipal court (and handle a wide variety of civil matters as well). The **Criminal Prosecution Clinic** places students in state and federal prosecutors' offices where they assist in virtually all phases of the criminal process, including handling criminal trials. Students in the **Judicial Clerkship Clinic** serve as law clerks for trial judges at the state and federal level who handle criminal as well as civil cases.

Other Activities and Opportunities

First year students may get hands-on experience by serving as prosecutors or defense attorneys in the University's Traffic Court, which handles all appeals from on-campus traffic citations. Second year students serve as judges in the court. A number of law students also volunteer to serve as mentors and court advocates for juveniles involved in the criminal justice system in the Court Appointed Special Advocate (CASA) program for Douglas County. Second and third year students may work part-time during the school year in prosecutors' offices or

offices handling criminal defense or may serve as law clerks during the summer. A number of offices, including the JAG Corps, come on campus to recruit law students for employment for clerkships or for employment after graduation and many more post openings with the Office of Career Services.

Faculty

Members of the criminal law faculty bring a wealth of experience to the classroom and to supervision in the clinics. Among the faculty are former federal prosecutors, state public defenders, and private practitioners. Most of the faculty have served as clerks for state or federal judges and many have published extensively and are nationally recognized experts.

KU has attracted a number of visiting professors with special expertise in criminal law such as Feridun Yenisey of the University of Marmara, Istanbul, Turkey, and Roderick Munday, Cambridge University, Cambridge, England. Speakers with special expertise in the criminal law, such as Kansas Attorney General Carla Stovall, William Koch of the Koch Crime Commission, and Roger Lane of Haverford College, are frequent visitors to the law school.

For further information please contact Professor Jean Phillips (Room 409C): (785) 864-9214 or phillips@ku.edu.

ENVIRONMENTAL AND NATURAL RESOURCES LAW

Since the inception of modern environmental and natural resources law in the late 1960s and 1970s, the field has become increasingly important, both in its own right and as a result of its interactions with other, more traditional fields of practice such as real estate, insurance, and corporate law. The School of Law offers a rich range of opportunities to students interested in the practice of environmental and natural resources law. Because of the breadth of faculty expertise in this area, the School of Law is able to provide an extensive array of environmental and natural resources law course offerings, ranging from introductory survey courses to advanced seminars. The students are also actively involved in environmental law issues, principally through an Environmental Law Society and participation in nationally sponsored environmental law moot court competitions.

CURRICULUM

Environmental Law Survey Usually offered once each academic year. Taught by Wagstaff Professor Robert Glicksman. In this introductory course, students explore the justifications for, economic impact of, and allocation of governmental authority for environmental regulation. Students analyze environmental assessment and natural resources protection laws such as the National Environmental Policy Act and the Endangered Species Act, statutes that control pollution, and efforts to protect the environment through economic-incentives and information disclosure. Grading is typically based on a take-home final examination.

Regulation of Toxic Substances and Hazardous Waste Usually offered every other year. Taught by Professor Glicksman. This course covers the federal government's authority to regulate the "life cycle" of a toxic substance. It begins with analysis of risk assessment and risk management, the processes for determining whether and how to regulate these substances. It then addresses regulation of the manufacture of chemical substances, their use in products such as pesticides, and their unwanted presence in food and water. Students also study hazardous waste regulation and cleanup programs. Grading is typically based on a take-home final examination.

Regulation of Air and Water Pollution Usually offered every other year. Taught by Professor Glicksman. This course covers all significant portions of the federal Clean Air and Water Acts, including issues of current political or scientific controversy such as ozone depletion and climate change. Students analyze how standards for the protection of the air and water are established, implemented, and enforced, focusing on questions like the role of cost and feasibility in each of these endeavors. Grading is typically based on a take-home final examination.

Public Lands and Natural Resources Usually offered once each academic year. Taught by Tyler Professor George Coggins. The course considers the legal systems governing the classification and use of land owned by the federal government. Students study the constitutional bases for federal land ownership and management, the manner in which the government acquired and may dispose of the public domain, and the statutes that govern

permissible uses of the national parks, forests, wildlife refuges, and scenic rivers, and grazing lands administered by the Bureau of Land Management. Grading is based on a final examination.

Environmental Law Seminar Usually offered once each academic year. This course involves intensive study of an area of current interest in environmental or natural resource law and policy that is not covered in depth by the courses described above. Taught by Professor Coggins. In the past, topics have included wildlife law, Kansas energy law, international and comparative environmental law, and advanced public land law. Taught as a seminar, grading is done on the basis of an in-depth research paper, which is presented to and discussed by the entire class.

National Environmental and Energy Policy Usually offered every academic year or every other year. This course examines the legal conundrums relating to the nation's efforts to develop a balanced energy policy. Taught by Professor Coggins. The course begins by examining the nature of federal resource development and the regulatory process that controls it, and then analyzes the laws governing the extraction, transportation, and transmission of coal, oil, gas, and uranium. Students also explore the law of electricity generation. Grading is usually based on a final examination.

Biodiversity Law This class, taught by Professor Andrew Torrance, considers the role of law in regulating, managing, utilizing, and conserving the earth's rich biological diversity. Biodiversity law is explored from the perspectives of common law, statutes, agency regulations, and international law. Special consideration is made of the role science plays in informing biodiversity law and policy. Prerequisite: Environmental Law Survey (Law 905).

International Environmental Law This class, also taught by Professor Torrance, explores the rich body of international law that seeks to regulate the impact humans, either individually, or collectively as states or nongovernmental organizations, have on the earth's environment. International environmental law, as embodied in international treaties, customary international law, and jus cogens are examined across a range of environmental issues, including resources in international commons, transboundary pollution, biodiversity, genetically modified organisms, ozone, and global climate change. A common theme throughout is the attempt to design, implement, and enforce legal means of achieving global sustainability. Prerequisites: Environmental Law Survey (Law 905) or Public International Law (Law 974).

Water Law Usually offered once each academic year or every other year. Taught by Connell Teaching Professor John Peck. Students will learn about the private and public entities that manage the distribution and use of water, interstate conflicts over water resources, and the role and power of the federal government in water resources management. The course also addresses Indian water rights, federal reserved rights, and the rules governing Kansas water law. Grading is based on a final examination. Students may also add a one-hour independent research paper to fulfill the law school's upper class writing requirement.

Oil and Gas Law Usually offered at least once each academic year. This course covers various aspects of the extraction of these important resources. Taught by Professor

Coggins. The course covers the private agreements (oil and gas leases) that govern exploration for and production of oil and gas, as well as the effects of various conditions of ownership on oil and gas transactions. Government regulation to conserve oil and gas resources and promote efficient production, such as unitization and pooling, are also studied. Grading is based on a final examination.

Native American Natural Resources Usually offered once every other academic year. Taught by Professor Stacy Leeds. This course examines natural resources law issues as they apply to Indian country. Topics covered include water law, environmental protection, and subsurface property rights.

Independent Research Students may arrange to prepare research papers for one or two hours of course credit with any member of the faculty. These papers are sometimes published, either under the joint authorship of the professor and the student, or by the student alone. Independent research papers written by KU students have been published in journal such as the Stanford Environmental Law Journal and the Vermont Journal of Environmental Law.

Clinical Opportunities

Although the School of Law does not have a clinical program devoted specifically to environmental and natural resources law, students enrolled in the Legislative Clinic or the Public Policy Clinic may be able to arrange to study topics in this area of the law. As described below, the School of Law has an Environmental and Natural Resources Certificate. One of the requirements for receipt of the certificate is participation in a clinical or writing program with an environmental or natural resources law emphasis. This requirement may be satisfied by enrolling in the Legislative Clinic or the Public Policy Clinic or by serving in an externship with the Kansas City regional office of the Environmental Protection Agency or a local environmental or natural resources law public interest group.

Certificate Information

The Environmental and Natural Resources Law Certificate exposes students to the basics of this constantly changing area of practice so that they become competent to address environmental and natural resources law issues in whatever contexts they arise. Students must take a core group of courses that include Environmental Law Survey, Public Lands and Natural Resources, and Administrative Law. They must also take a minimum of nine additional hours from an array of courses relevant to this area of the law, and they must complete the writing/clinical requirement described above.

Other Activities and Opportunities

Environmental Law Moot Court and Other Competitions Each year, interested students compete for the chance to participate in the national environmental law moot court competition held at the Pace University law school in New York. Winners of the internal competition prepare written briefs and prepare for oral arguments (with the assistance of the faculty) at Pace in February. In past years, the K.U. team has won the prize for the best brief and has frequently reached the late rounds of the competition. Several environmental law essay contests, such as the Roscoe Hogan competition, are also open

to K.U. law students. The winners receive prize money and their essays may be published.

Environmental Law Society The ELS sponsors a variety of activities at the law school, including monthly meetings often attended by the K.U. environmental law faculty or by federal, state, and regional practitioners with environmental expertise. In past years, the ELS has organized recycling programs at the law school and engaged in other activities relating to local environmental issues.

For further information please contact Professor Robert L. Glicksman: (785) 864-4550; r-glicksman@ku.edu

GENERAL PRACTICE

A general practitioner is one who practices in many areas of the law, typically in a small law firm or as a solo practitioner. General practitioners are found in small towns and in large cities. The law school curriculum is designed to allow both breadth and depth of study, depending on the career goals of the student. Students who want to be general practitioners usually want to be exposed to several areas of the law that they expect to encounter in their practice: property law, tort law, family law, probate law, administrative law, criminal law, and general business matters including contract law. A general practice will often include litigation and appellate work.

Curriculum

Property Courses First year students are required to take two courses in **Property Law**. These cover estates in land, landlord-tenant law, adverse possession, easements, restrictive covenants, and land use controls. Upper level courses include **Land Transactions** (sales transactions, real estate brokers, title problems, title insurance) and **Government Control of Land Development** (land use controls, zoning, master planning, and subdivision regulation, as well as constitutional aspects).

Torts Law **Torts I**, a required first year course, covers liability based on fault, including both intentional torts (for example, battery, assault, and trespass) and negligence. Upper class offerings include **Torts II** (misrepresentation, defamation, and privacy) and **Product Liability** (compensation for injuries resulting from defective products).

Family Law General practitioners often handle legal problems of the family. Courses include Family Law (marriage, divorce, adoption, and parenthood) and **Juvenile Law** (juvenile courts and legal problems of juveniles).

Criminal Law A general practitioner will often be retained in criminal cases, or will be appointed to represent indigent defendants. First year students take **Criminal Law** (an introduction to substantive criminal law) and **Criminal Procedure** (an introduction to criminal procedure). Upper class courses include Advanced **Criminal Procedure** (detailed analysis from initial appearance through appeal), **Criminal Prosecution Clinic** (students assigned to district attorney offices to assist prosecutors), and **Defender Project** (students handle legal problems of inmates at penitentiaries).

Clinics In addition to the **Criminal Prosecution Clinic** and the **Defender Project**, three other clinics would aid the prospective general practitioner: the **Legal Aid Clinic** (legal assistance to indigent clients for both civil and criminal matters) and the **Elder Law Externship** (representation of elderly individuals in consumer, housing, and public benefits litigation), and the **Judicial Clerkship Clinic** (work as a law clerk to a state or federal trial judge).

Courses in Business Law **Contracts I and II** are required classes for first year students. Upper level business courses for the prospective general practitioner include **Business Associations I and II** (agency, partnerships, and corporations and the legal responsibility of directors and dominant shareholders), **Commercial Law: Secured Transactions** (required), **Commercial Law: Payment Systems, Bankruptcy** (creditors remedies and debtor's rights, bankruptcy), **Federal Income Taxation** (the Federal income tax system and its operation upon taxpayers), **Taxation of Business Enterprises** (taxation of business entities), **Business Planning Seminar** (a problem approach to planning important business transactions).

Estate Planning A general practitioner is often asked to help probate estates and to conduct estate planning, which requires knowledge of both probate law and taxation. Upper level courses include **Estates and Trusts** (interstate succession, wills and probate, and **Estate Planning: Practice** (tax oriented course regarding disposition of property during life or at death).

Administrative Law This area of the law involves representation of clients before administrative bodies. The general course in **Administrative Law**, and upper level course (separation of powers, administrative function and discretion, and judicial control). Other upper level courses, such as **Public Benefit Law, Labor Law** and **Water Law**, illustrate the work of specific administrative agencies both at the federal and the state level.

Courses in Litigation, Appellate Work, and Alternative Dispute Resolution In addition to the clinics that offer practice opportunities, course offerings include **Civil Procedure I and II** (required for first year students), **Evidence** (required upper level course), **Lawyering I and II** (preparing and arguing an appellate court case), **Advanced Litigation** (advanced skills in the litigation process), **Trial Advocacy** (fundamentals of trial practice), **Alternative Dispute Resolution** (various dispute resolution processes including adjudication, arbitration, mediation, and negotiation), and **Pretrial Advocacy** (fundamentals of pretrial practice, including discovery and client counseling).

Practice in Kansas This course, open to third-year students only, was designed for the student who intends to enter a private general practice in Kansas. Topics covered include the substantive law of Kansas in domestic relations, landlord-tenant relations, debt collection, probate, and selected areas of criminal law and general civil practice. Student will develop practical skills in pleading and discovery techniques. **Criminal Practice in Kansas** is an upper level course designed for students who plan to practice criminal law in Kansas. The course explores the Kansas Criminal Code, focusing on filing of pleadings and post-trial motions, plea negotiations, sentencing and appeals.

Other Courses Employment law is of increasing importance to general practitioners. Courses in this area include **Employment Law, Employment Discrimination Law, and Workers' Compensation**. There are also many courses in other areas that would be of interest including **Advanced Legal Research, Agricultural Law, Complex Litigation, Environmental Law Survey, Local Government Law, and Oil and Gas**. Students should not necessarily take only courses that seem to have direct application to their prospective law practice. Other courses, like **American Legal History, Comparative Law, Jurisprudence, and Conflict of Laws**, help students gain a broad education in the law, which can be very helpful in practice.

Other Activities and Opportunities

Students can often gain practical experience through summer clerkships or part-time work during the school year in general practice firms. First year students may participate in the University's Traffic courts as prosecutors or defense lawyers handling appeals by KU students, staff and faculty of parking citations. Students may also participate in any of a number of moot court and mock trial programs with competitions on campus, regionally and nationally. They may hone their interviewing skills in the ABA client Counseling Competition. Finally, students may prepare for active membership in the ABA and state and local bar associations through involvement in the Student Bar Association and other student organizations.

For further information please contact Connell Teaching Professor in Kansas Law John Peck (Room 301); 785-864-9228: jpeck@ku.edu

International Law and Business

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Why study international law, international business, and comparative law?

The answer turns partly on your own vision and partly on the world in which we live. Some students start their law school careers knowing they want to “go international.” Maybe they see a career negotiating international commercial and financial transactions, or serving in the diplomatic corps, or working with an international aid agency, or teaching in a cross-cultural, multilingual setting. KU offers a broad and vigorous program to help them prepare for such careers.

But the value of studying international law, international business, and comparative law extends far beyond that class of students keen to “go international.” In today’s world, most practicing lawyers – even solo practitioners or members of small firms far from large cities – confront international issues in their work. The reason is simple: many clients, especially business clients, have dealings that are international in scope. Maybe a small manufacturer needs to import components from Thailand. Maybe an agricultural cooperative wants to investigate grain markets in Mexico. Maybe a woman going through a divorce believes her husband has placed assets in a Belgian bank account. And of course large companies frequently engage in overseas sales, investments, and licensing transactions. Law students need to prepare themselves to assist clients with the issues that can arise in such cases as these.

Beyond being prepared to address these issues relating to private business transactions, lawyers also have a responsibility to the larger community -- to be intelligent participants in, or leaders in, the formulation of policy at a national and international level. For this, law students should have at least some exposure to the principles and processes of the international legal system and should know something about how different cultures view the relationship between law, government, and society.

Curriculum

The KU Law curriculum offers a variety of ways for students to get the preparation they need in these various areas. Specifically, KU offers courses that fit into three related “tracks” or disciplines: (1) public international law, (2) (private) international business law, and (3) comparative law. The first of these disciplines focuses mainly on the legal side of international relations involving nation-states and intergovernmental organizations. The second focuses mainly on the legal aspects of carrying out

transnational transactions by private-sector parties. The third (comparative law) focuses on foreign (non-U.S.) legal systems by studying the most important legal traditions.

KU Law covers all three of these “tracks” by offering a mix of courses designed to meet the needs of both generalists and specialists in these areas. The courses offered on a regular basis include:

- Public International Law – a general survey of the legal system governing the behavior of states and public international organizations.
- International Commerce and Investment – examines the transactional aspects of the sale of goods and direct investment across national borders.
- International Trade Law – studies the regulatory aspects of the sale of goods across national borders, focusing especially on the GATT-WTO system.
- Advanced International Trade Law – builds on the International Trade Law course to study vexing questions of trade policy and law.
- International Economic Law and Development – concentrates on key institutions of international economic regulation and their role in development.
- Comparative Law – a general introduction to and comparison of major legal traditions in the world (focusing on civil law, common law, and Chinese law).
- Islamic Law – examines the history, doctrine, texts, and role of Islamic law throughout the world, and basic legal principles in key substantive areas.
- International Human Rights – a study of the objectives, provisions, and institutions of international human rights law, including regional regimes.

In addition to these regular courses, other courses and seminars are offered on an occasional basis, especially by visiting faculty members, in international and foreign law. Moreover, numerous other courses in the KU Law curriculum include substantial international components (for example, those on commercial arbitration or on Native American law and governance).

Planning your studies

What background do law students need in order to take courses such as these? Unlike some other parts of a law school curriculum, the international law and business curriculum is almost exclusively upper-class and elective in character. Hence, most of the students wishing to study international law, international business, and comparative law do so after completing the “building block” courses of their first year.

This is especially helpful in the case of the **International Commerce and Investment (ICI)** course, because the basic **Contracts** course prepares students to consider

international commercial contracts, and the **Civil Procedure** course helps students deal with international dispute resolution issues discussed in ICI class. In addition, some of the upper-class business law courses, such as **Business Associations** and **Commercial Law**, also help students understand international business law. Such courses are not prerequisites for taking the ICI course, but students interested in international business law will benefit from taking those courses sometime in their law school career.

The courses in **International Trade Law**, **Public International Law**, and **Comparative Law** likewise have no formal prerequisites. They do, however, require that students take a different perspective from the one offered in nearly all other courses in the Law School. Most courses in the Law School concentrate on U.S. law. The courses in international and comparative law do not. Numerous students enroll in these courses for that very fact -- that is, to get an opportunity to study non-U.S. systems of law -- and thereby gain a deeper understanding of their own legal system and their place in the world.

Other opportunities

Students should also bear in mind some other curricular and extra-curricular possibilities relating to international and comparative law:

- Students in any year (1L through 3L) can participate in the Jessup International Law Moot Court competition (2 credit hours for team members), or in the Stetson International Environmental Law Moot Court program.
- The Law School sponsors several study-abroad programs, including opportunities in London, Limerick and Istanbul.
- The Law School's International Law Society (ILS) hosts speakers, career days, international dinners, and other events, and ILS members regularly participate in activities of the world-wide International Law Students Association.

For further information, contact Mr. John Head (room 415): 785-864-4550;
jhead@ku.edu

or Professor Raj Bhala (room 410): 785-864-9224; bhala@ku.edu

LITIGATION

Students at KU preparing for careers as civil or criminal trial lawyers have a rich range of options—curricular and extra curricular.

In their **first year**, students build a foundation with Civil Procedure and Criminal Procedure, substantive courses including Torts, Contracts, Criminal Law, and Property, and a two-semester skills and theory course Lawyering that includes legal research and writing and advocacy. First year students may participate in the University's Traffic Court as prosecutors or defense lawyers handling appeals of parking citations by KU students, staff and faculty.

In their **second and third years**, students take Evidence, a required course taught by full-time faculty members who have had years of trial experience. Students learn the rules and principles of evidence from a practical perspective. Professional Responsibility, another required course, is taught by faculty members who are well-attuned to the ethical issues that arise in client representation.

Students then may take Trial Advocacy, Pretrial Advocacy or Advanced Litigation which emphasize practical skills. The Trial Advocacy teachers are experienced litigators. Outstanding judges and trial lawyers from the area serve as adjuncts for small sections of the course. A course in Alternative Dispute Resolution provides skills training as well as an overview of various dispute resolution processes including adjudication, arbitration, mediation and negotiation.

Students have a number of opportunities to work with live clients in clinics that give them litigation training in a real world setting. In the Legal Aid Clinic students represent indigent citizens of Douglas County. They serve as public defenders in municipal and juvenile courts and represent clients in domestic relations, landlord-tenant, and other civil actions. In the Paul E. Wilson Defender Project students represent state and federal prisoners in appellate and post-conviction litigation. In the Criminal Prosecution Clinic students serve as prosecutors in various Kansas state district attorneys offices. Under the supervision of a local prosecutor they participate in virtually all phases of the criminal process. In the Judicial Clerkship Clinic students see the court from the bench side as they serve as law clerks to federal and state trial judges. In the Elderlaw Externship students assist supervising attorneys with pre-trial work and with trial and hear preparations.

Second and third year students may choose courses that deepen their understanding of procedure (like Federal Courts, Complex Litigation, Conflict of Laws, and Advanced Criminal Procedure) as well as courses that emphasize the substantive law that is the

focus of much litigation (like Employment Discrimination Law, Constitutional Litigation, Antitrust Law, Products Liability, Business Association I and II, Environmental Law, Family Law, Torts II, and others). Practice in Kansas includes both procedural and substantive Kansas law. It covers civil procedure and trial issues unique to Kansas courts and includes exercises on drafting pleadings and motions. Criminal Practice in Kansas also an upper level course, explores the Kansas Criminal Code, focusing on filing of pleadings and post-trial motions, plea negotiation, sentencing and appeals.

Students may participate in any of a number of moot court programs with competitions on campus, regionally and nationally including the National Moot Court Competition, the Jessup International Moot Court, the National Environmental Moot Court, and the National Native American Law Students Association Moot Court. They may test out their interviewing skills in the ABA Client Counseling Competition and their trial skills in the American Trial Lawyers Association Mock Trial Competition. KU law students have had much success in these competitions.

Not all law students are drawn to litigation practice, but those KU students who are will find a rich assortment of courses to give them the theoretical framework they need as well as rigorous skills training. They can and do excel as litigators.

For more information, contact Charles Briscoe, Supervising Attorney Legal Aid Clinic and Trial Advocacy Instructor; (785) 864-9294; cbriscoe@ku.edu.

PUBLIC LAW

What Is Public Law?

Two essentially different methods exist in this country for the resolution of social problems and disputes, depending on whether they involve private or public law. Private Law typically involves a law suit brought by private parties usually against other private parties in state or federal court. Public Law typically involves the attempt of a governmental administrator to regulate the conduct usually of many persons under legislative standards designed to promote the public interest. The administrator's actions are subject to review by the judiciary, but they are also subject to oversight by the executive and legislative branches.

Who Studies Public Law?

All law students should have some general familiarity with public law. Students who are in private practice will inevitably represent clients who have a dispute with a local, state, or federal governmental agency. Many private practitioners specialize in some area of public law, such as business regulation, employment law, environmental law, local government, natural resources, or social regulation. Students employed as government attorneys likewise will specialize in a public law area.

CURRICULUM

The Public Law curriculum at KU is organized into gateway courses, substantive courses, and clinical courses. Gateway courses familiarize students with the legal principles and governmental institutions that are the infrastructure of public law. Substantive courses acquaint students with the substance of business regulation, employment law, environmental law, local government, natural resources, and social regulation. Clinical courses, in which students represent or assist clients, offer students the opportunity for hands-on experience in public law.

Gateway Courses: **Administrative Law** is a recommended gateway course which covers the institutions that create public law and the procedures that they use. Regulatory Law and Policy is an optional gateway course which surveys the justifications for regulation and the methods by which regulation is implemented. Students may also take Legislation which examines the relationship between judicial review and the interpretation of legislation.

Substantive Courses: KU offers courses in six major public law areas. Courses marked with an asterisk " * " cover both private and public law.

Antitrust Law (federal regulation of anticompetitive conduct); **Copyright Law and Digital Works*** (federal regulation of intellectual property); **Law and Economics** (economic concepts relevant to public and private law); **Insurance Law*** (includes state regulation of insurance practices), **Media Law*** (legal regulation of the media); **Intellectual Property** (federal regulation of intellectual property); **Securities Regulation** (federal and state regulation of the sale of securities).

Employment Law: Advanced Topics in Labor and Employment Law (intensive study of one or more aspects of labor and employment law); **Employment Discrimination Law** (federal statutes prohibiting discrimination in employment); **Employment Law** (federal and state regulation of employer-employee relationships); **Labor Law** (federal regulation of union-employer activity); **Public Benefit Law** (includes Social Security and Workers Compensation eligibility); **Race Discrimination Law** (includes federal laws pertaining to employment discrimination); **Workers' Compensation Law** (eligibility for state compensation for workplace injuries).

Elder Law: Introduction to Elder Law (federal and state laws that pertain to the protection and care of the elderly); **Public Benefit Law** (includes eligibility for Social Security, Medicare, Medicaid and other benefits for the elderly).

Environmental Law: Environmental Law Seminar (advanced study of specific topics); **Environmental Law Survey** (general survey of laws protecting the environment); **National Environmental and Energy Policy** (federal regulation of resource extraction, transportation, and development); **Regulation of Air and Water Pollution** (federal and state regulation of air and water pollution); **Regulation of Toxic Substances and Hazardous Waste** (federal regulation of toxic materials).

Health Law: Health Law and Policy (federal and state regulation of health care providers); **Law and Bioethics** (regulation of health care).

Local Government: Government Control of Land Development (local land use controls); **Local Government Law** (structure, functions, and jurisdiction of local governments).

Natural Resources Law: Agricultural Law*, **Public Lands and Natural Resources** (regulation of land owned by the federal government); **Water Law*** (includes state regulation of water use).

Social Regulation: Federal Indian Law (federal law concerning Indian nations); **Immigration Law** (regulation of immigration); **Race Discrimination Law** (includes federal laws pertaining to civil rights); **Sovereignty, Self-Determination and the Indigenous Nations** (domestic law of Indian Nations).

Clinical Courses: Elder Law Externship (students represent elderly individuals in consumer, housing, and public benefits litigation); **Legislative Clinic** (students intern for members of the Kansas Legislature and study advocacy in the legislative process); **Legal Aid Clinic** (students render legal assistance to indigent clients including representation in public benefit law); **Media Law Clinic** (students provide legal analysis concerning legal regulation of the media and First Amendment issues); **Public Policy Clinic** (students provide policy and legal analysis to the Kansas Legislature).

Publications: Students are selected by competition for the staff of the Kansas Journal of Law and Public Policy which specializes in the publication of articles relating to public law. Students can also compete for a position on the staff of the Kansas Law Review which publishes both private law and public law articles.

For further information contact Professor Rick Levy at (785) 864-9220; rlevy@ku.edu.

TAX LAW

Curriculum

In response to a growing demand for attorneys with expertise in the field of tax law, KU has recently expanded the number of course offerings in the tax area. For those students looking for a strong tax focus, KU offers a comprehensive selection of courses that cover the major substantive areas of tax law and practice. These courses allow students to acquire the practical and technical skills they will need to build a successful career. Curriculum

Federal Income Taxation. This course surveys the federal income tax system and its operation upon individual taxpayers. Issues fundamental to the taxing structure are considered: What is income, when is it income, and whose income is it? The course also introduces students to the use of judicial and statutory law in the tax field and administrative sources of law promulgated by the IRS. Federal Income Taxation is a prerequisite for all other tax offerings.

Taxation of Business Enterprises. In contrast to the Federal Income Taxation course that focuses primarily on individual taxpayers, this course examines the operation of the federal income tax laws upon corporations and their shareholders and upon pass-through entities such as partnerships, S corporations, and limited liability companies. Among other topics, the course examines the influence of tax laws upon reorganizations, recapitalizations, liquidations, and distributions.

Estate Planning: Principles. A study of the legal principles relating to transmission of property by gift or at death and the vehicles available for these purposes. Primary emphasis is on estate and gift taxation and income taxation of estates and trusts. The course introduces students to the estate planning process and provides a foundation for the advanced-level course on estate planning practice.

Estate Planning: Practice. The course replicates the estate planning process, providing experience in gathering facts, analyzing alternatives, and implementing a plan through preparation of wills, trusts, and other documents. Under the supervision of the professor, students work in teams to prepare an estate plan for a hypothetical client and draft the complex documents necessary to carry out the client's wishes.

Federal Tax Procedure. Federal Tax Procedure covers the chronology of tax disputes, from examination by the IRS to final disposition of the case by settlement or court decision. Topics covered include the IRS's procedure for return administration, the administrative appeals process, Tax Court jurisdiction, refund procedures, and the collection process. Ethical considerations confronting the tax practitioner are also discussed. The course integrates administrative and case materials with a clinical approach. Students draft a series of writing projects, including letter ruling requests, protest letters, Tax Court petitions, and claims for refund.

Taxation of Mergers and Acquisitions. This course examines the income tax treatment of corporations and their shareholders arising from taxable and tax-free acquisitions and dispositions of corporate stock or assets. Topics covered include statutory mergers, triangular reorganizations, corporate divisions, and recapitalizations. To ensure greater understanding of

the technical rules, the course also focuses on the non-tax motives underlying these types of transactions, including strategic and economic considerations.

Tax Policy. In order to effectively apply what is a complex and constantly changing area of the law, a thorough understanding of the policies underlying the tax code is a necessity. Initially, this course surveys the fundamental legal, economic, and political considerations relevant to the formulation of tax policy. With this foundation, each student writes and presents a significant paper on a topic of his or her own choosing. Although the specific topics vary each semester, in the past papers have dealt with issues such as income versus consumption taxes, taxing capital income, the double taxation of corporate income, state and local tax policy, and flat tax proposals.

Business Planning Seminar. Business Planning utilizes a problem approach to planning important business transactions, such as organization of a close corporation; organization of a public company; dividend and other corporate distributions; corporate liquidations; and corporate combinations. The course allows students to integrate their study of corporate, tax, and securities law and to learn how those sources of law impact the choice of legal form for a business entity, financing techniques, and compensation alternatives.

Related Course Offerings

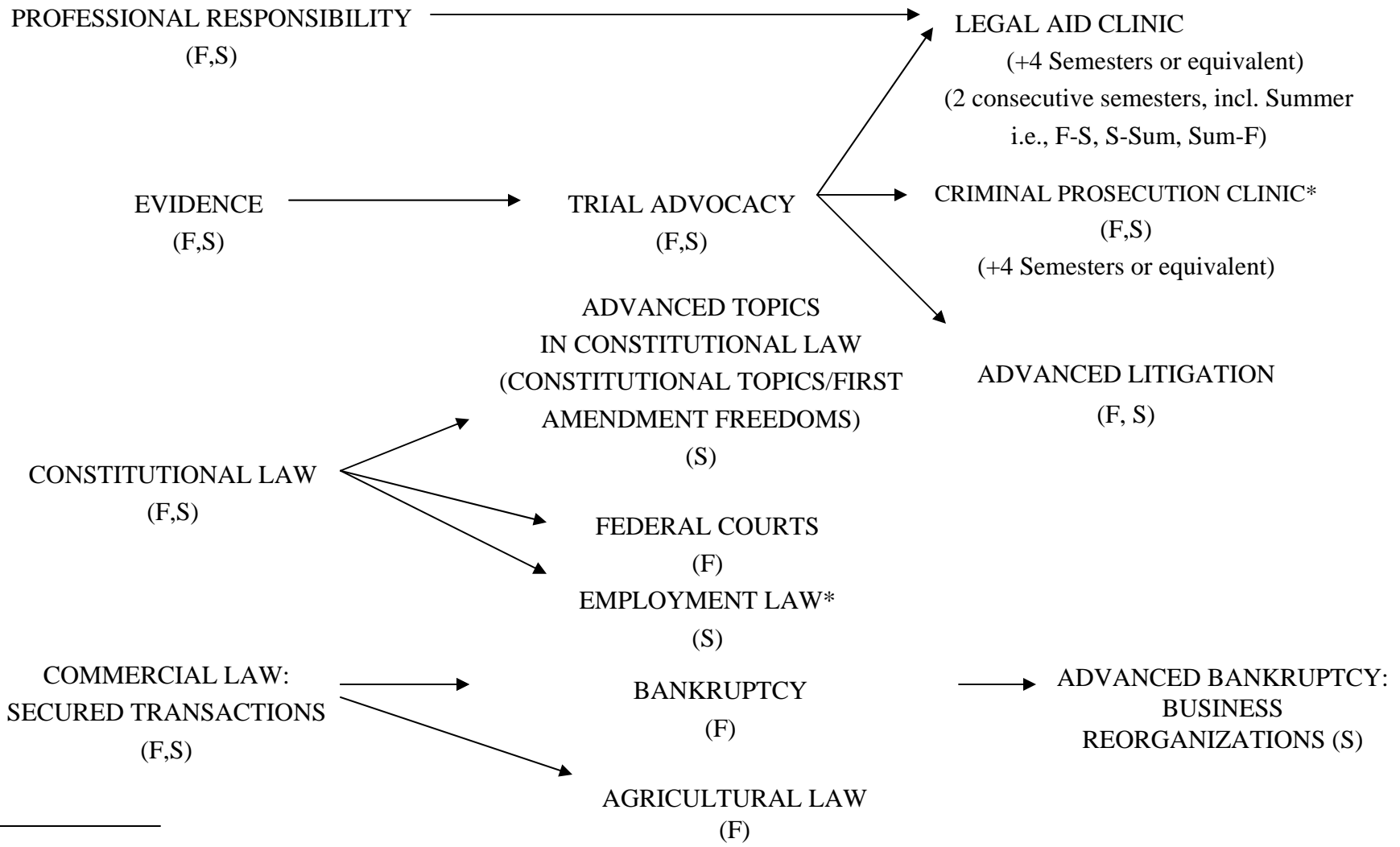
The tax-intensive courses listed above are complemented by a wide array of business and corporate law offerings that round out a tax student's course of study. Even those students who do not wish to concentrate in the area of tax law greatly benefit from having taken tax courses. As any practicing attorney knows, a thorough understanding of federal tax law is crucial if the attorney is to represent a corporation or business client effectively. Students are, therefore, encouraged to complete courses that, although not specifically tax-related, are heavily impacted by tax considerations. These include Estates and Trusts; Business Associations; Securities Regulation; and Elder Law.

Tax Law Certificate Program

Along with expanding its tax offerings, KU has created a Tax Law Certificate Program. Certification assures employers that the student not only has a mastery of basic principles of individual and entity taxation, but also has been exposed to some of the finer points of tax law and practice. Certificate program requirements are listed in the Law School's catalog and on the law school's Web site in the Academics/Registrar section.

With so many tax courses to choose from, few students have the opportunity to take them all. As a result, some KU students decide to continue their studies and obtain a Masters of Taxation (LL.M.) degree. These students have been accepted at some of the finest graduate tax programs in the country, including Georgetown and New York University. Because of the excellent foundation KU provides, KU students have excelled in their graduate studies.

For further information about the Tax Law Certificate Program or the field of tax law in general, please contact Professor Stephen Mazza: 785-864-9266; smazza@ku.edu.



* = Pre or Co-Requisite

F = Fall Semester

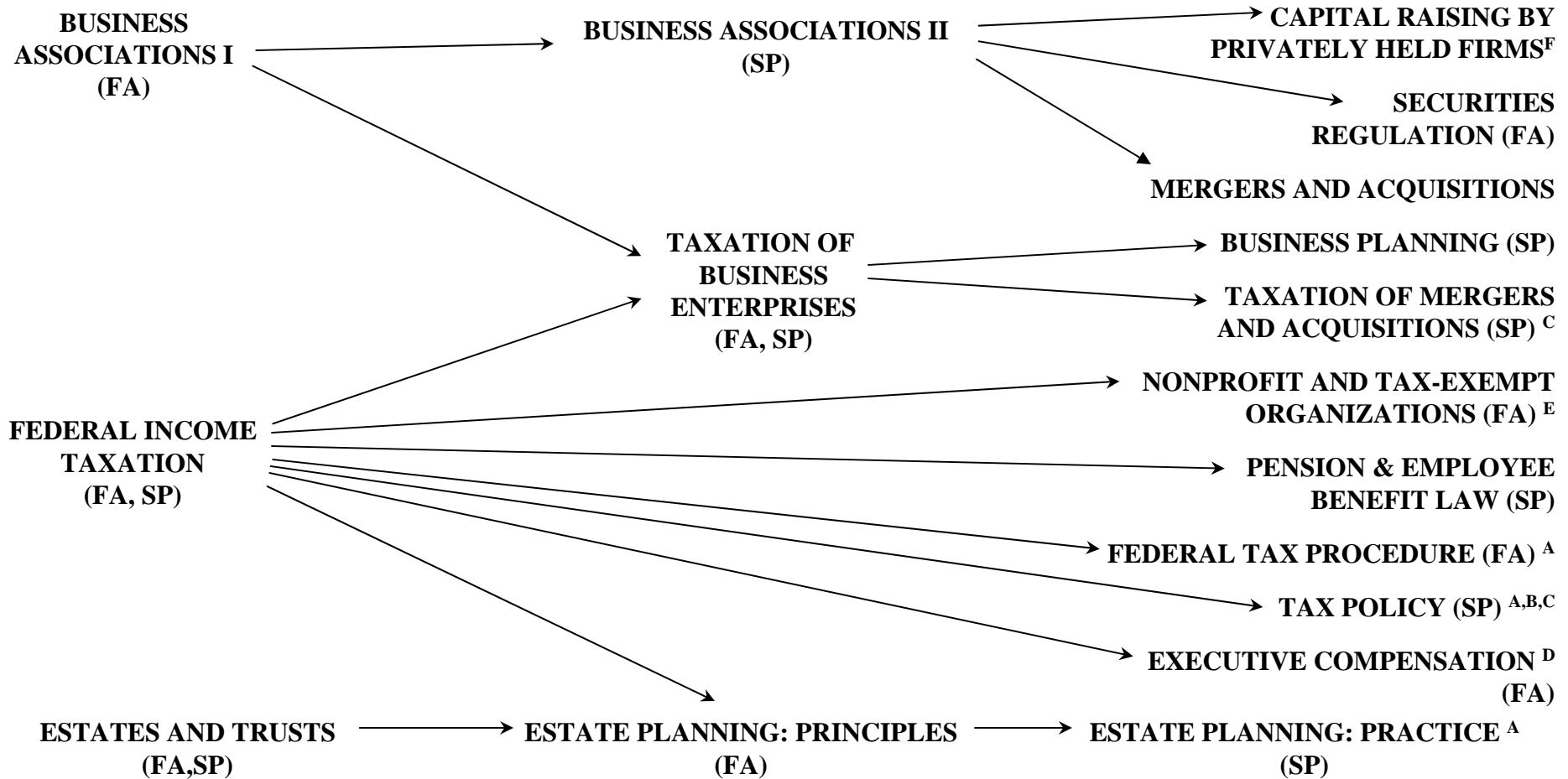
S = Spring Semester

Semester indications are always subject to change; consult the current Course Announcements.

Summer offerings may vary from year to year and are announced before pre-enrollment for the Spring semester.

**BUSINESS, TAX, AND ESTATE PLANNING PREREQUISITES
(SELECTED COURSES)**

October 2008



- A. Satisfies upper class writing requirement.
- B. Completion of Taxation of Business Enterprises is recommended but not required.
- C. Not offered in the 2008-2009 academic year.
- D. Concurrent enrollment in Federal Income taxation is permitted.
- E. Business Associations I is also a prerequisite for Nonprofit and Tax Exempt Organizations.
- F. Business Associations I and II are preferred but not required.

Note: Semester indications are tentative.

SO, YOU'RE PLANNING ON TAKING THE KANSAS BAR EXAM ...

Required courses

Commercial Law: Secured Transactions
Constitutional Law
Evidence
Professional Responsibility

Elective courses

Business Associations I and II*
Estates and Trusts
Commercial Law: Payment Systems
Family Law or Practice in Kansas
Land Transactions
Torts II

SO, YOU'RE PLANNING ON BEING A GENERAL PRACTITIONER ...

So, you're planning on taking the Bar exam plus ...

Selected, elective courses

Bankruptcy*
Employment Law*
Workers' Compensation
Federal Income Taxation
Estate Planning: Principles*
Family Law and Practice in Kansas
Trial Advocacy*
Pretrial Advocacy
Advanced Litigation*
Alternative Dispute Resolution
Legal Aid Clinic, Elderlaw Clinic* (2 consecutive semesters required)
Juvenile Law

*These courses have prerequisites. See the chart and the course descriptions in the Law School catalog.