

## Fall 2025 Course Descriptions – Upper-Level Electives

<http://catalog.wvu.edu/graduate/law/#coursestext>

**Last Updated 3.5.25**

### **Administrative Law. 3 Hours.**

Creation and operation of administrative agencies, common procedural practices and requirements of administrative procedure acts, judicial control of administrative agencies.

*From Professor Rogers:* Administrative Law is the law that governs government agencies. It is the rules for the operations of the administrative state. It controls how agencies create regulations, how agencies adjudicate cases in hearings, and how courts will review agency decisions. Many, if not most, lawyers will represent entities or individuals subject to regulation by federal or state agencies. Other attorneys work within agencies themselves, representing the agency policymaking units as their clients. This course will prepare students to understand the structure, powers, and limitations of the administrative state. We will have an in-class final exam, but the course also has other graded activities such as taking quizzes.

### **Appellate Advocacy. 2 Hours.**

PR: LAW 700 and LAW 711. Survey of appellate practice. Drafting of an appellate brief and an argumentation of the brief.

### **Bankruptcy. 3 Hours.**

Federal bankruptcy law including consumer and business liquidation in Chapter 7 and rehabilitation in Chapter 11 and Chapter 13. Actual preparation of filings and plans. Introductory coverage of state debtors in collecting debts and enforcing judgments.

*From Judge Deller:* Purdue Pharma. Rite Aid. Trump Taj Mahal. Rudy Giuliani. Mike Tyson. Rapper 50 Cent. Francis Ford Coppola. Boy Scouts of America. Weinstein Company. Pittsburgh Penguins. Buffalo Sabres. Arizona Diamondbacks. Lehman Brothers. WorldCom. And, Enron. What do these companies and persons have in common? The answer is simple – they have all filed for bankruptcy protection.

Bankruptcy is re-emerging as a “go to” practice area, as bankruptcy filings have increased nationwide after the pandemic. According to the Administrative Office of the United States Courts, business filings rose 40% this past year and consumer filings increased another 17%. Pundits in the financial world believe bankruptcy cases will continue to rise in the future given inflation and increased interest rates, which have tightened access to the credit markets.

Bankruptcy is an exciting practice area, where the attorney can make an immediate and tangible difference in people’s lives. It is also complex, because state and federal law converge in virtually every bankruptcy case.

Taught by United States Bankruptcy Judge Jeffery A. Deller, who has almost 20 years of experience and has presided over nearly 40,000 cases in his career, this course offers the student an introduction to the Federal Bankruptcy Code with the emphasis on practical application of the legal policies behind this comprehensive statute.

Elements common to consumer and business bankruptcies will be reviewed. The course will explore qualifications for bankruptcy, the claims allowance process, the automatic stay, and

## Fall 2025 Course Descriptions – Upper-Level Electives

<http://catalog.wvu.edu/graduate/law/#coursestext>

discharge of debts, as well as issues of civil procedure in the bankruptcy context and jurisdiction of the Federal Courts. Further, state law issues of collection practice will be studied as they interact with the Code.

### **Bill Draft & Leg Process. 2 Hours.**

This course explores the role of lawyers as bill drafters and advocates for legislative solutions to policy problems.

### **Business Organizations. 4 Hours.**

Basic introduction to business organizations, their formation, maintenance, and dissolution. Includes agency, partnership, and corporations.

*From Professor Wilson:* This class provides a basic introduction to business organizations, their formation, maintenance, and dissolution. Includes agency, partnership, corporations, and limited liability companies (LLCs). The class will focus on those topics covered by the NextGen bar exam, with a heavy focus on the statutory provisions governing these entities.

### **Business Transaction & Entrepreneurship Skills Course. 6 Hours.**

Focuses on the process and principles of drafting documents used in connection with various types of business arrangements. Such documents establish norms, or rules of expected behavior between the parties in the business context.

*From Professor Alsop:* Business Transaction & Entrepreneurship Skills Course is a capstone course. At some point, almost every lawyer is involved in the process of drafting or revising an agreement. From a practical perspective, do you ever wonder how lawyers help clients create agreements to buy or sell real property or assets? Or draft an employment agreement? Or help startup a new business? Have you ever heard the term “due diligence” or been asked to help with “reps and warranties” for an agreement and want to know more? Do you want to learn what it takes as a recent law school graduate to add value to a transaction and impress a senior member of a law firm and a client? If so, you should consider taking this Business Transaction & Entrepreneurship Skills Course.

The Business Transaction & Entrepreneurship Skills Course is designed to help students learn the principles of contemporary contractual drafting and learn about the documents typically used in business-related transactions. We focus on understanding how to assist a client in the due diligence process, properly draft agreements to incorporate the business purpose of each typical contractual concept included in transactions, to close transactions, and to help in entity formation.

By the end of the course, you should be equipped to (1) translate your client’s business deal into agreement provisions; (2) draft the critical parts of an agreement with precision; (3) understand the due diligence process and its importance; (4) build trust and communicate with colleagues, clients, and other counsel to a transaction; (5) draft a complete agreement requiring minimal edits; (6) assist a client in forming a new business entity; and (7) understand the basic steps of closing a transaction.

## Fall 2025 Course Descriptions – Upper-Level Electives

<http://catalog.wvu.edu/graduate/law/#coursestext>

### Clinics – All Sections

Students may not register for a spring semester clinic without, first having completed the fall semester clinic and second, securing departmental approval. Students wishing to join a clinic in their third-year will apply in the spring semester of their second-year.

The *Veterans Advocacy Law Clinic* (VALC) represents veterans and their dependents with claims for benefits from Veterans Affairs. In addition, the VALC represents veterans regarding any other civil legal issues that they wish to discuss with us. Students work directly with veterans under the supervision of the VALC director and supervising attorneys. We focus on low-income, homeless, and other vulnerable veterans, but we will speak with any veteran who contacts us. If we cannot help them, then we do work hard to find other referrals to connect veterans with legal services on these issues. The Clinic accepts cases from throughout West Virginia. We accept referrals from the State Bar and from Congressional Offices. Clinic is WVU's premier opportunity for experiential learning. In this course, students will practice law in a real-life setting under the supervision of faculty attorneys. This experience will be enhanced by regular classroom sessions, simulation exercises, companion projects, and reflection exercises.

The *West Virginia Innocence Project Clinic* identifies, investigates, and represents people who are in prison for crimes they did not commit. Students learn about the common causes of wrongful convictions, including junk science and bad lawyering. Students gain hands-on experience as they investigate innocence claims through interviewing clients in prison, reading court files, interviewing witnesses, and consulting with subject-matter experts; file post-conviction motions and briefs; and represent clients in court.

### Constitutional Law 2. 3 Hours.

PR: LAW 725. First Amendment freedoms of speech, press, assembly, association, and petition.

*From the Professor:* Constitutional Law II focuses strictly on the freedoms of expression and conscience contained or implied in the First Amendment to the United States Constitution. They include the freedoms of speech, press, assembly, petition, association, and religion – the fundamental rights that enable individuals to develop their faculties and to participate in society and in the democratic processes. In addition to defining the scope of protection accorded to individuals who engage in expressive activities, the course addresses modern issues relating to the mass media, the Internet, and campaign finance. Study of the First Amendment would be of considerable value to anyone who wants to work in government, civil rights, the media, or who wants to participate in public discussion or the political process. It is also useful to anyone who will be taking a bar examination; forty to fifty percent of the multi-state constitutional law questions historically have been based on First Amendment issues.

### Consumer Law. 2 Hours.

Consumer Law studies the group of laws that protect the public at large from unfair and predatory business practices and unscrupulous ways of doing business, including product defects, privacy, debt collection, credit practices, unfair advertising, and a host of related issues.

## Fall 2025 Course Descriptions – Upper-Level Electives

<http://catalog.wvu.edu/graduate/law/#coursestext>

### **Contracts 2. 2 Hours.**

PR: LAW 703. Examines express and implied conditions precedent, subsequent, and concurrent determining the order and quality of required contract performance, legal excuses for non-performance including mistake, impossibility, impracticability and frustration, and rights of third parties as contract beneficiaries or assignees.

### **Criminal Procedure: Investigation. 3 Hours.**

A course designed to cover all facets of the investigatory stage of criminal procedure: the right to representation by counsel, rules surrounding police practices and procedures of search and seizure, interrogation and identification.

### **E-Discovery. 3 Hours.**

An introduction to the basics of identification, preservation, collection, search and production of Electronically Stored Information and effective utilization of procedural and evidentiary rules, practice pointers, and admissible evidence.

*From Professor Mason:* Electronically stored information has become the focus of discovery. It is the location of most data today. Identification of the location of relevant documents has shifted from primarily filing cabinets to electronic media. In the federal civil justice system, and increasingly in the State systems, Courts are requiring parties to preserve, review and produce relevant information that is stored electronically. This course is a very practical application of the steps necessary to conduct Electronic Discovery. You will have the opportunity to prepare a litigation hold and preservation letter, prepare a data map outlining the potential locations of electronically stored information, engage in a meet and confer conference, conduct a deposition of the opposing side, and prepare, respond to, and argue a Motion to Compel. In other words, this course will introduce you to the basics of e-discovery including: 1) procedural and evidentiary rules, 2) practice pointers, and 3) admissibility.

### **Energy Law. 3 Hours.**

An examination of law and regulatory policies that govern and impact the energy industry, including all energy sources and alternative fuel possibilities.

*From Professor Eisenberg:* Energy Law

Energy law is one of the most exciting topics in modern legal studies. It is a fast-changing field with deep roots in U.S. statutory and common law. It governs the production, consumption, and disposal of energy resources. Energy, of course, touches all of our daily lives, even as it historically remained unseen by the public eye and under-considered in the public discourse. This course examines energy law and policy in the United States. Energy law is interdisciplinary by nature, and our study of the field will reflect that. Energy law relies heavily on legal doctrine, but it also raises questions of policy, economics, and the environment. Accordingly, this course will rely on both (1) the traditional study of case law, statutes, and regulations and (2) case studies and materials that draw on and raise other aspects of energy law and policy.

## Fall 2025 Course Descriptions – Upper-Level Electives

<http://catalog.wvu.edu/graduate/law/#coursestext>

The first part of the course surveys the world's primary sources of energy: coal, oil, biofuels, natural gas, hydropower, nuclear, wind, solar, and geothermal energy. This part also introduces you to the main themes that we will cover throughout the course, namely: (1) the tension between free markets and government regulation; (2) federalism issues and, more broadly, the division of U.S. regulatory authority governing energy production and use among federal, state, and local governmental units; and (3) balancing energy production and use with environmental protection. The second part of the course turns to the two major sectors of the U.S. energy economy: electricity and transportation. The third part of the course explores hot topics in energy law and policy that highlight the complex transitions taking place in today's energy systems. These topics include grid modernization and climate change.

### **Evidence. 3 Hours.**

Rules, principles, and practice of the law of evidence covering judicial notice; real, demonstrative, testimonial and circumstantial evidence; hearsay; and other exclusionary rules, privileges, confidential relationships, witnesses, and other related subjects.

*From Professor Wagner:* This course will cover the rules, principles, and practice of the law of evidence covering judicial notice; real, demonstrative, testimonial and circumstantial evidence; hearsay; and other exclusionary rules, privileges, confidential relationships, witnesses, and other related subjects. I plan to cover virtually all the material in the textbook, with an emphasis on Federal Rules of Evidence 401-411, 600s, and the 800s. This course explores the Federal Rules of Evidence in the courtroom setting. The course focuses exclusively on the federal rules and aims to prepare students for both the bar exam and careers in litigation. We will not discuss—or will only briefly discuss—the West Virginia Rules of Evidence.

### **Externships. 3-13 hours, depending.**

Students may complete a part-time or full-time externship, if approved by the College of Law.

*From Professor Unger:* Externship enrollment is by departmental approval only. To be considered for an externship, you will need to do the following. First, attend the externship information/registration session when announced. If you cannot attend this meeting, you must set up an individual meeting with the Dean Haught. Second, submit a resume, unofficial transcript, cover letter, letter of recommendation (for full-time externships) and a letter stating the name and contact information for the placement (or potential placement if awaiting confirmation). Please submit a hard copy of these materials to Professor Devon Unger or Dean Jessica Haught at a deadline date to be announced each semester. Lastly, upon approval, you will register for the appropriate externship course.

### **Family Law. 3 Hours.**

The law in its relation to creation, stability, and breakdown of domestic relations including engagement, marriage, annulment, separation, divorce, alimony and child support, custody, and adoption (Based on national and West Virginia law.).

## Fall 2025 Course Descriptions – Upper-Level Electives

<http://catalog.wvu.edu/graduate/law/#coursestext>

*From Professor Stephens:* In this course, you will learn about foundational constitutional law principles that guide attorneys and courts in navigating legal issues related to domestic relations—divorce, child custody, jurisdictional concerns, and related issues. After we've addressed guiding constitutional principles, we delve into the nuts and bolts of domestic relations practice. You will prepare sample documents that are common in practice, learn about relevant statutory law across jurisdictions, and hear from practicing attorneys in regard to current domestic relations law concerns and trends.

### **Heirs Property (Summer 2025)**

Stated simply, heirs property refers to a subset of tenancy in common property where the owners received concurrent interests in land through inheritance. The owners are typically related and may number in the dozens, hundreds, or even thousands. Heirs property is increasingly problematic, particularly in poor African American and Native American communities, as well as in low-income areas of Appalachia. In addition, the longer the issue goes unaddressed, the more complicated untangling title becomes.

Two major areas of concern arise with respect to heirs property. First, the economic concern refers to the fact that cotenants cannot put the property to its maximum economic use. Nothing can be done with the property, and lenders will not loan money on the property, unless all of the owners agree. Secondly, the vulnerability concern refers to the concern that any cotenant could be forced to sell their interest in the property through a partition sale. This class explores the emerging issue of heirs property generally, then discusses ways to resolve heirs property and ways to prevent heirs property from occurring. Recent policy interventions at the state and federal levels will be examined. Students will write a short essay on an aspect of heirs property of their choosing.

### **Income Taxation 1. 3 Hours.**

Gross income, deductions, exclusions, and gains and losses from dealing in property.

*From Professor Wilson:* This class introduces federal income taxation. It will cover the basic tax calculation, including gross income, deductions, and exclusions. In addition, it will cover the calculation of gains and losses from dealing in property and the applicability of the special capital gains rate. This class focuses heavily on statutory analysis, as the primary source of law in this area is the Internal Revenue Code. If you are math-phobic, do not fear. This is a statutory interpretation class, not calculus. An accounting or finance background is not required.

P.S. Professor Wilson tentatively plans on taking sabbatical during the Spring of 2027; therefore, students interested in transactional law should take the Tax/ToBE sequence in 2025-2026. Rising 2Ls should not wait to their 3rd year if they intend to take ToBE before graduation.

### **International Financial Law. 1 Hour.**

No course description available. No course classified available.

## Fall 2025 Course Descriptions – Upper-Level Electives

<http://catalog.wvu.edu/graduate/law/#coursestext>

### **Interviewing, Counseling, and Negotiation. 3 Hours.**

This course provides instruction in the lawyering skills involved in interviewing and client counseling as well as negotiation on a client's behalf. Simulations are employed to develop and enhance these practical lawyering skills.

### **Law Practice Management. 3 Hours.**

PR: Student in the College of Law. This course introduces law office business operations and simulates office decision making dynamics. Subjects include human resources, financial planning/management, marketing, project management, office design, technology, quality control and similar subjects.

### **Pre-trial Litigation. 3 Hours.**

This course will immerse students in the daily work of civil litigators. Students will learn the procedural and substantive contours of litigating a hypothetical case from its inception through the eve of trial.

### **Professional Responsibility. 3 Hours.**

Professional responsibility in the administration of justice in society; Code of Professional Responsibility examined in light of traditional and changing demands of the legal system.

### **Property 2. 2 Hours.**

This class will focus on exploring common property issues that arise during the planning and development stages of energy projects and build upon the knowledge gained in your 1L Property class. This includes ownership interests, conveyance of property interests, easements, and leasing property for solar and oil/gas development. Emphasis will be placed on the interpretation and application of WV law.

### **Remedies. 3 Hours.**

Equity, damages, and restitution. Survey of remedies available for harms.

From the Professor: What can the law provide to parties who have been wronged? How does the law measure damages? What types of relief are available to injured parties? The answers to these questions can be found in the law of remedies, which is arguably the most important part of any lawsuit. Remedies, after all, are the primary motivation for parties to litigate in the first place. We will discuss legal theories and principles of remedies, including: legal and equitable remedies; compensatory damages; punitive damages; restitution and unjust enrichment; declaratory judgments and injunctive relief. A mix of practice and theory, this is a great course for students who plan on pursuing a career in civil litigation, but also a helpful review for substantive areas of the law you learned throughout law school such as contracts, torts and statutory causes of action. Final exam administered during final exam week.

## Fall 2025 Course Descriptions – Upper-Level Electives

<http://catalog.wvu.edu/graduate/law/#coursestext>

### **Scholarly Writing Workshop. 1 Hour.**

PR: Students must be enrolled concurrently in a law school seminar of their choice. A course designed to help students develop scholarly writing skills and serves as a companion course to the seminar requirement. Emphasis is placed on identifying writing conventions specific to scholarly legal writing and on the scholarly writing process.

*From Professor Jordan:* Are you planning to enroll in a seminar course this semester? If so, you should consider enrolling in this one-credit, pass/fail course designed to take the mystery and some of the stress out of writing a seminar paper. This course will allow students to gain a better understanding of the qualities and expectations of a seminar paper, and course assignments will help students progress through the seminar paper writing process. As a class, we will work together to support each other, share ideas, address challenges, and offer feedback throughout the writing process. Students previously enrolled in this course found it helpful in keeping their writing on track, and they found that the supportive environment increased their confidence in their writing. You must be enrolled in a seminar course to take this class.

### **Seminar: Domestic and International Terrorism. 2 Hours.**

In this course, we will examine the term terrorism and the laws surrounding it. Topics of discussion and readings will include domestic terrorism prevention, national and state-level antiterrorism laws, international conventions on the prohibition of terrorism, and the definitions of terror and terrorism in international criminal law.

### **Seminar: Law and the Urban Rural Divide. 2 Hours.**

No official course description available.

*From the Professor:* We often hear about the “urban/rural divide” as a key driver in today’s politics, cultural polarization, and other societal fault lines. But what is the urban/rural divide? What is its significance to law and policy? Drawing on the emerging field of law and rurality, this course takes students on a deep dive into the idea of the urban/rural divide. The course is organized around a series of questions: How is the urban/rural divide defined? What historical, legal, political, and economic forces help explain its development? How do race, gender, national origin, and other intersectional identities come into play? What are potential approaches to trying to “mend” the divide in law, policy, and other contexts? Through readings, discussion, additional in-class activities, and writing assignments, students will leave the course with deeper understanding and analytical skills concerning the evolution of rural communities in society, urban/rural interdependence, and the ways law, policy, and place interact both in a theoretical sense and in ways that affect legal practitioners. The course will survey a broad range of legal areas and policies implicated by the urban/rural divide, ranging from environmental and agricultural law, to civil rights and election law, to transportation and utilities law, and other areas in between.



**Fall 2025 Course Descriptions – Upper-Level Electives**

<http://catalog.wvu.edu/graduate/law/#coursestext>

**Seminar: Regulating A.I. 2 hours.**

No official course description available.

*From Professor Cyphert:* As artificial intelligence (“AI”) becomes ever more powerful and more engrained in our society, should it be regulated? If so, how, and by whom? This course will explore AI, and will map it on top of classical theories of regulation. It will also cover technology companies’ attempts at self-regulation, and regulatory acts by individual states, the U.S. federal government, and other countries. Some common themes will be explored throughout the course: (1) What barriers to AI regulation currently exist? (2) How does the speed of development of AI alter the regulatory landscape? (3) In what ways do classical theories of regulation support the regulation of AI? In what ways do those theories (and their criticisms) counsel against regulation?"

**Torts 2. 3 Hours.**

PR: LAW 709. A continuation of Torts 1. The tort law of land occupiers, damages, defenses, imputed negligence, strict liability, products liability, and modern statutory substitutes for tort law.

**Water Law. 3 Hours.**

A survey of water allocation doctrines that apply to surface and ground water. The origins of federal power, controversies between governing bodies, public rights, water quality and water-energy nexus, and water rights will be studied.

*From Professor Richardson:* Water is our most important resource – for life, societal development, economic growth, and environmental quality. All life depends on water for survival, as does our economy. Water scarcity has always been a fact in the arid western United States, but increasingly water scarcity has become a major issue in the eastern United States. Water quantity and quality are inextricably linked to energy production and use. The water-energy nexus has become a term of art.

Degraded water quality and stresses to watersheds are problems everywhere. Public water supply distribution systems face aging infrastructure and growing pressures to privatize. Even global issues like international trade, management of waters shared with Mexico or Canada, and climate have impacts on water in the United States.

Policies governing water allocation and conservation are some of the most critical in our society. How we use, manage, and protect water reflects our values and priorities.

This course provides a survey of the water allocation doctrines of riparian rights and prior appropriation, as well as five different common law rules that apply to allocation of ground water. The origins of federal power over water resources and controversies between the states and the federal government and between individual states over shared water resources will be discussed. We will also examine public rights and interests in water resources. The muddled case law involving water rights and regulatory takings will be studied. Water quality issues will be explored as well, including portions of the Clean Water Act and Safe Drinking Water Act. The water-energy nexus will be investigated.

**Fall 2025 Course Descriptions – Upper-Level Electives**

<http://catalog.wvu.edu/graduate/law/#coursestext>

**Wealth Transfers. 3 Hours.**

This course introduces the law of trusts and estates. It covers intestacy distributions, wills, trusts, non-probate transfers, and other associated subjects.

*From Professor Rogers:* Wealth Transfers is about death and money. This course, an introduction to trusts and estates, covers how people give away their property — through probate or contracts, by default or deliberate choice. To help students retain doctrinal knowledge, the course uses “spaced repetition” to lock in substantive content. The course also strengthens skills such as parsing statutes, preventing and solving problems, evaluating legal policy, advising clients, and working in groups. We will have an in-class final exam, but the course also has other graded activities such as taking quizzes and creating a personal estate plan. So, support your local skeletons! The Dead Hand beckons you to this course.