

## Spring 2025 Course Descriptions – Upper-Level Electives

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

**Last Updated 10.2.24**

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

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

### **Advanced Legal Research. 2 Hours.**

The course focuses on advanced legal research methodologies and strategies within the context of federal, state, and local law. It is designed to prepare law students for research in practical settings.

### **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.

### **Baker Cup. 1 Hour.**

Second year students interested in competing in Baker Cup must attend an information session in November. Students will then add the receive departmental approval to add the co-curricular credit to their schedule if they wish to officially participate in the spring semester competition.

### **Business Torts. 3 Hours.**

The study of trademark, trade secrets, and unfair competition law, with a strong emphasis on the development of these doctrines in American law from both a statutory and common law perspective.

### **Business Transactions Drafting. 4 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.

### **Civil Procedure 2. 2 Hours.**

An advanced civil procedure course designed to review first-year course topics, MDL, class actions, discovery in complex cases (including e-discovery), issue and claim preclusion (res judicata and collateral estoppel), securing and enforcing judgments, and appellate review. Also, is a course of interest for those considering litigation as a career and wish to understand rules that govern complex litigation practice.

Additional details from Professor Cyphert: This is an advanced civil procedure course which is designed to help students engage with topics that are not covered (or are not covered in depth) during the first-year course. This course will be of particular interest to those who are considering litigation as a career and who wish to understand more about the rules that govern complex litigation practice. This course reviews certain key concepts from the first-year course

## Spring 2025 Course Descriptions – Upper-Level Electives

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

and covers multidistrict litigation (MDL), class actions, discovery in complex cases (including e-discovery), issue and claim preclusion (res judicata and collateral estoppel), securing and enforcing judgments, and appellate review.

### **Child Protection and the Law. 3 Hours.**

A primary focus on child abuse and neglect civil protection proceedings as defined by West Virginia Code, Chapter 49; and an examination of both federal law and West Virginia's statutes, rules, and case law.

### **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.

### **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.

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

A comprehensive examination of criminal procedure adjudication covering regulation of prosecutors, defense counsel, pretrial legal issues, pretrial motions, plea bargains, and sentencing.

### **Copyright Law. 3 Hours.**

This course covers the basics of copyright, including copyrightable subject matter, formalities and copyright registration, and the substantive and procedural elements of infringement and defenses. Technological developments affecting copyright are also addressed (software/internet).

### **Employment Discrimination. 3 Hours.**

Survey of federal and state statutes prohibiting discrimination in employment practices on grounds of race, gender, national origin, religion, age, or disability.

### **Environmental Law: Natural Resource & Conservation**

No current course description available. This course is a new combination of two prior courses. The prior course descriptions read: A survey course that includes law, theory, and practical management challenges of natural resource policy, with a strong substantive foundation in a broad range of resources, including water, timber, minerals, and wildlife. Problems of identifying and evaluating scientific evidence of air and water pollution; weighting

## Spring 2025 Course Descriptions – Upper-Level Electives

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

the benefits of economic and technological progress against resulting harm to the quality of life; choice among alternative forms of litigation and public regulation as methods of social control.

### **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.

### **Evidence for Trial Lawyers**

This class expands on students' understanding of the most common rules of evidence that trial lawyers must master to be effective advocates in the courtroom. The focus of the course will be on a more advanced understanding and practical application of Rules 103, 401, 404, 607, as well as the rules related to hearsay. The course will provide practical guidance and training on a variety of evidentiary issues, objections, and techniques that are most effective when trial lawyers encounter these 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. *Registration details 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, likely in mid-October. 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. (We are anticipating a deadline in mid to late November for submission of these materials, but there is some flexibility.)

Lastly, upon approval, you will register for the appropriate externship course.

### **Federal Courts. 3 Hours.**

Jurisdiction and procedure in federal courts. Federal question and diversity jurisdiction; removal jurisdiction and procedure; the law applied in federal courts, and procedural rules unique to the federal system.

### **Health Care Torts. 3 Hours.**

Introduction to legal issues that arise in the U.S. health care system relating mainly to patient care; emphasizing topics such as medical malpractice, informed consent, patient confidentiality, quality and accessibility of health care to patient.

## Spring 2025 Course Descriptions – Upper-Level Electives

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

### **Immigration Law. 2,3 Hours.**

Constitutional underpinnings for immigration power; categories of and requirements for employment-based, family-based, and diversity-based immigration; visas for temporary visitation; problems with illegal immigration; removal procedures; and special policy issues, such as terrorism.

### **Insurance. 2 Hours.**

A survey of the basic principles, rules, and issues from the formation of the insurance relationship including indemnity, protections afforded, claims, and payment.

### **Intellectual Property. 3 Hours.**

Legal problems in the protection of ideas including copyright, trademark, patent, and law of unfair competition; and their interrelationship.

### **Law, Social Movements, & Social Change (Seminar or Perspective Option)**

This course explores how movements for social change both shape and are shaped by law, policy, and deeper socio-legal transformations. The diverse role of lawyers in movements for social change also is a component of this course. Subject coverage includes social movements for transformative racial, gender, and economic justice, climate change and the environment, labor struggles, LGBTQ+ rights and liberation, Indigenous liberation, and emancipatory movements from the Global South. Appalachian social movements also are a central through-line of this course and intersections are explored among such regional movements and broader national and international grassroots struggles.

Students can take this course to fulfill the requirements of: seminar course, perspective course, or general elective. Students taking this course as a seminar will produce a final paper as the major assessment. Students taking this course as a perspective or general elective will produce a portfolio project as the major assessment. For a portfolio project, students creatively examine and gather resources on a social movement of their choice and reflect on its intersections with the major themes and topics of this course.

Note that students who have already taken a seminar, or who have not yet taken a seminar, are still eligible to enroll in this course as a perspective (for 3Ls) or general elective (for 2Ls or 3Ls).

Students taking this class as a seminar will register for Section 1 (CRN: 17295). Students taking this class as a perspective or general elective will register for Section 2 (CRN: 17376). Note that both Sections will meet together in the same classroom and cover the same course readings: Only the assessments will differ.

### **Lawyers as Leaders. 2-3 Hours. (Perspective Option)**

An exploration of topics related to the theory and practice of leadership by lawyers intended to develop effective leadership skills for application in both the legal profession and in society in general.

## Spring 2025 Course Descriptions – Upper-Level Electives

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

### **Legal Estate Planning. 3 Hours.**

PR: LAW 716. The law in its relation to problems of intergenerational transfers, including federal transfer taxes (estate and gift tax), life insurance, revocable and irrevocable trusts, wills, and the probate process.

### **Multistate Performance Test Writing Workshop. 1 Hour.**

Students will gain training in legal reasoning for law school exams, the bar exam, and legal practice, by focusing on the application of substantive law in the context of a Performance Test.

### **Multistate Bar Exam Skills Workshop. 2 Hours.**

Provides in-depth training in the legal reasoning needed to successfully answer multiple-choice questions on the bar examination. Geared toward third-year students, and serves as a companion course to the Essay Writing Workshop.

### **Patent Law. 3,4 Hours.**

The application and interpretation of patent law, including the requirements for obtaining a patent, infringement action, and other patent related law and policy.

### **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.

<b>Religion and Constitution. 2 Hours. (Seminar Option)</b>
---

Explores the major doctrinal issues in the interpretation of the First Amendment's religion clauses. Related statutory schemes affecting religious liberty such as RFRA and RLUIPA will also be discussed.

## Spring 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.

### **Secured Transactions**

No current course description available. This course is half of the prior course titled “Sales and Secured Transactions.” The prior course description read “Functional approach designed to use the UCC for commercial and consumer problems. Focus on sale of goods, security interest in personal property, and Articles 1, 2, 6, and 9 of the UCC

### **Taxation of Business Entities. 4 Hours.**

PR: LAW 719. A comparative survey of the federal income taxation of C corporations, S corporations, and partnerships.

<b>Tax Policy (Seminar or Perspective Option)</b>
---

*What do you want to talk about, Law School?* Professor Wilson’s Tax Policy class will look at the Internal Revenue Code through a non-legal lens. Think taxation is theft? We will talk political theory and the role of democracy and dissent in the passage of laws. Wondering how excise taxes or tariffs might work in a given situation? We will look at the economic concept of tax incidence and how it impacts supply and demand equilibrium. Considering whether to buy a home or make a charitable contribution? Consumer psychology literature might have something to say about how taxes impact choice.

*Pre-requisites? Not so much.* Tax I is not a formal requirement for this class so that we can make it available to anyone who needs a seminar or a perspective. Fed Tax I or a tax background will be helpful, however; if you are worried about that, come see me.

*Perspective? Seminar? Elective? Yes!* This class qualifies as either a seminar or a perspective (*but not both simultaneously...*) or can simply be taken as an elective.

If you need the class for your *seminar* requirement, you will be required to do a seminar style paper and will be graded in accordance with the seminar curve.

If you need the class to qualify for your *perspective* requirement, then you will be asked to pick an area of taxation (such as a particular code section, or an issue area such as education), and write a series of essay reflections on how the non-legal lenses through which we are viewing the tax law apply to your specific area. Perspective students will be graded separately from seminar students and in accordance with the standard upper-level elective curve.

If you simply want to take the class as an *elective* and don’t need it to qualify as a seminar or perspective, you can choose either assessment method.

## Spring 2025 Course Descriptions – Upper-Level Electives

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

You will be required to choose the seminar or perspective assessment method prior to the drop/add date for Spring classes and it will not be able to be changed after that. Prof. Wilson will walk you through the assessments in more detail and the selection process on the first day of class. For now, whether seminar, perspective, or elective, sign up for the Tax Policy class available to you on registration day.

### **Transactional Skills Cannabis Law. 2 Hours.**

No current course description available. This course is a new combination of two prior courses. The two prior course descriptions read: This course will provide a practical approach to hemp and marijuana law. It will provide an opportunity to understand the practice of law from initial client interview, to business creation, through regulatory compliance, banking, taxes and more. A practical approach to transactional skills development with in-class simulation of all aspects including, planning, interviewing, negotiating, and drafting of business contracts

### **Trial Advocacy. 4 Hours.**

PR: LAW 727. Introduction to techniques of, and moral and ethical questions associated with trial practice, jury selection, opening statement, direct and cross examination, closing argument. Lecture, discussion, and simulation.

Additional details from Professor DiSalvo: Trial Advocacy has three phases.

First week: trial ad philosophy and other foundational elements of the course. We meet M-W-F the first week.

Next eight weeks: we focus on specific aspects of trial – opening, closing, direct, cross, etc. During MLK week, we meet W-F. For the remaining weeks, we meet M-W.

Final five weeks: each student (with a colleague) prepares and puts on a trial. A wrap-up class at the end of the semester.

Grades based on weekly exercises, class participation, final trial. No final exam.

Taking Appellate Advocacy and Trial Advocacy simultaneously? Please know that I make every effort to accommodate requests to harmonize the date of one's final trial with the date of one's App Ad argument. We have also successfully scheduled around weddings, pregnancies, and a variety of other events!