

Course Descriptions

First Year - Fall Semester Courses

Civil Procedure I

LAW 613

3 hours

The staple of legal education, particularly in the first year, is the appellate decision. In order to fully understand an appellate decision you must be able to think procedurally, to reconstruct the whole case from the beginning through the appellate decision. The objective of the course is to supply those thinking skills that are the foundation of legal education. The course examines the reciprocal relationship between substantive law and procedure by recreating a whole case from pleadings through appeal. Substantive law draws meaning from its application at each stage of the litigation process. In other words, each stage of the process can provide a “window” on the meaning of substantive law. These stages include: pretrial proceedings (pleadings, discovery, pretrial screening); the trial (admissibility of evidence, sufficiency of the evidence to get to the jury, terms of submission to the jury, the verdict); and the appeal (issues preserved for appeal, “facts” on appeal, standard of review). The focus throughout is on the need to develop the skill of thinking procedurally in order to understand the law and to help shape its development.

Constitutional Law I

LAW 620

3 hours

This course is an initial inquiry into the legal allocation of public decision-making power. A major focus of the course is the role of the judiciary in the American constitutional system. Other subjects considered are the legal relationship between federal and state governments (federalism) and division of power at the federal level.

Legal Writing I

LAW 607

3 hours

In this course, the student develops the essential skills of legal research, writing, and analysis by completing research and writing assignments focusing on writing for different audiences. These assignments include a series of structured research exercises, a case brief, two legal memoranda (one written for the court and the other for a law partner), and a client letter.

Torts

LAW 611

4 hours

This course examines civil liability, including intentional torts, negligence, and strict liability. The elements of various torts are studied, together with policy issues, and issues relating to insurance and damages. The course also deals with historical and theoretical developments, such as the rise of comparative fault and insurance, and the development of theories such as law and economics and corrective justice as they relate to tort law.

First Year - Spring Semester Courses

Civil Procedure II

LAW 614

3 hours

Topics covered include civil actions at law historically and currently, a brief introduction to equity, provisional and final remedies, resjudicata and collateral estoppel, relief from judgment and collateral attack, personal jurisdiction and venue, the subject matter jurisdiction of the federal courts, and choice of source of law.

Criminal Law

LAW 605

3 hours

This course inquires into the meaning of substantive criminal law by examining how criminal law doctrine functions in the criminal process and what purposes it serves. The course examines how lawyers identify how each alternative meaning would work in the adjudication process and what purposes would be served by each alternative. The course focuses on the structure of criminal law: legislative definition of the elements of crimes and defenses to crime; adjudication by courts of guilt or innocence; and regulation of sentencing by legislatures and courts. The course examines how lawyers discover the meaning of criminal law doctrines, even as they help shape the meaning of those doctrines.

Legal Writing II

LAW 608

3 hours

This course requires the student to integrate and apply the legal research, analysis, and writing skills developed in Legal Writing I, the previous semester. In a moot court exercise, the student assumes the role of an advocate, who writes an appellate brief in an actual United States Supreme Court case and argues it orally before a panel of judges drawn from the Maine bench and bar, and the Law School faculty.

Property

LAW 610

4 hours

The arrangements under Anglo-American law for the ownership and control of the use of property are examined in a way designed to develop lawyers' skills for practice in this area of the law and to improve understanding of the concepts and operation of property law as a social institution. Aspects of property law which are covered include the meaning and implications of property law, legal concepts of land ownership (estates and future interests), public rights to take or control the use of privately held land, private devices to control the use of land owned by others, and the relationship between landlord and tenant.

Full Year Course - Contracts I & II

LAW 603, 604

3 hours each semester

This course provides an introduction to the enforcement of promises at law and the nature of the protection given. The evolution of common-law theory in support of the agreement process is explored along with the specialized doctrinal areas which will make up the modern law of contract. The focus of the second semester will be contracts for the sale of goods under Article II of the Uniform Commercial Code and the provisions of the UN Convention dealing with international sales.

Second & Third Year Courses

Accounting for Lawyers

LAW 710

2 hours

The course will provide an introduction to accounting concepts and financial reporting fundamentals. Topics will include generally accepted accounting principles and the basics of financial statements (the balance sheet, the income statement and the statement of cash flows). Students will be taught how to critically analyze financial data and make important observations about accountants' reports, financial statements and financial statement footnote disclosures. Students may also develop skills in applying financial language in drafting agreements and in properly examining an expert witness on damages and other matters.

Administrative Law

LAW 621

3 hours

This course examines the procedural laws that regulate the activities of administrative agencies. Students will examine the reasons for administrative governance, the tasks handled by administrative agencies, and the roles of lawyers working with and against administrative agencies. Students also will consider the relationships among administrative agencies, the elected branches, and the judiciary.

Admiralty

LAW 624

3 hours

This course is an introduction to the basic principles of admiralty jurisdiction and practice. Topics may include choice of law, contract, maritime liens and ship mortgages, chartering, pilotage, oceans bills of lading, seamen's rights, personal injury, wrongful death, collision, salvage, carriage of goods, general average, marine insurance and ship-owner liability.

Advanced Appellate Advocacy II

LAW 640

3 hours

This course is a continuation of Appellate Advocacy and is open only to members of the Mood Court Board who qualified for that course. In Advanced Appellate Advocacy, each member of the Board participates, in either the fifth or sixth semester, in a moot court competition against teams from other law schools.

Advanced Business Associations

LAW 668

3 hours

This course will examine selected topics in securities and corporation finance law. The content of the course may vary from year to year depending on the instructor, and the matters previously covered in Business Associations. However, the core curriculum will include the concept of "legal capital" and the issues arising in connection with the issuance of stock, dividends and distributions, and a corporation's repurchase of its shares; valuation of a corporate enterprise; the rights and remedies of preferred shareholders, bond holders and others who hold debt or convertible securities; mergers, acquisitions and other fundamental transactions; the securities regulation process and the exemptions therefrom; and the rights and liabilities of purchasers and sellers of securities.

Advanced Land Use Law

LAW 635

3 hours

This course examines a range of land use problems that demand some type of regulatory (police power) response: rapid growth, growth in fragile land areas, locating difficult to locate but essential land use activities, providing affordable housing. Tensions between federal, state, and local governments in the land use decision making process will be examined, as well as a range of sophisticated land use control strategies, i.e. transferable development rights, contract zoning, planned unit development, carrying capacity zoning.

Advanced Legal Research

LAW 731

2 hours

Advanced Legal Writing

LAW 686

3 hours

Advanced topics at instructor's election. The focus of the course may be on legal scholarship, writing appellate briefs, transactional drafting, or other forms of legal writing. This course is limited to ten students.

Advanced Topics in Property Theory

Law 711

2 hours

The conception of property as that which describes the individual's inviolable sphere has been central to our constitutional scheme and to calls for protection of various interests by the political right and the political left. In this seminar, we will examine the concept of property, its place in liberal democratic theory, and its usefulness in resolving issues of current social conflict. We will begin with a general consideration of the concept of rights, by examining some philosophical readings on rights theories and critiques of those theories. We will then look at the particular right of property: what it is, and the extent to which it should be placed beyond the democratic process through various constitutional theories of protection. We will also consider the extent to which property concepts can be usefully employed to resolve an array of current social issues, such as the enforcement of surrogacy (parental) contracts, the sale or other control of body parts, the fate of human embryos, the distribution of human organs for transplantation or other uses, the pursuit of human cloning and genetic engineering, an individual's control of personal information, and others. There will be no examination in this course. Evaluation will be based on brief reaction papers written in response to readings, and class participation.

Advanced Torts

LAW 677

3 hours

This course will complete the introduction to the basic fields of Tort Law begun by the first-year Torts class. Among the topics receiving thorough examination are products liability, defamation and privacy, professional negligence, misrepresentation and other commercial torts and government officer liability. The coverage will also allow examination of the significance of economics in tort law and the politics of contemporary tort reform. At the conclusion of the course, the student should be prepared for tort questions on a Bar Examination and have a comfort level to begin work in a tort law practice situation.

Advanced Trial Practice

LAW 638

2 or 3 hours

This is an advanced trial advocacy course, covering advanced trial practice skills at the instructor's election.

Alternative Dispute Resolution

LAW 684

3 hours

This course considers alternative dispute resolution (ADR) as an important tool for the resolution of civil actions, as well as disputes outside the judicial arena. ADR processes, including negotiation, mediation, arbitration, early neutral evaluation and hybrid processes, will be examined in both a theoretical and a practical context, with emphasis on effective advocacy in ADR.

American Indian Law

LAW 600

2 hours

The emphasis of this seminar will be on the body of federal law that defines the relationship between Native Americans and the federal and state governments.

Antitrust Law

LAW 626

3 hours

This course examines the control of private economic power through government enforcement and private damage suits under the Sherman and Clayton Acts. It also explores regulation of competition by the European Commission. The topics considered include legal and economic concepts of monopoly power and monopolization; collaboration among competitors to restrain trade by fixing prices, by allocating territories or customers or by other similar conduct; vertical relationships between firms at different levels of production that may operate to restrain trade; and horizontal, vertical and conglomerate mergers. Students will need a familiarity with some basic concepts of economics.

Appellate Advocacy

LAW 639

2 hours

This course is offered in the student's fourth semester and is open only to members of the Moot Court Board, who are chosen through an open competition at the beginning of the third semester. During the fourth semester, the twelve members of the Board write a brief on the case that is the subject of the first-year writing requirement, and then assist the first year students in preparing their formal oral arguments.

Banking Law

LAW 702

3 hours

The course is a study of the development of banking activities, structure, and regulation. It explores state and federal statutory and regulatory law governing commercial banks and to a lesser extent savings and loan associations, savings banks, and credit unions. The assigned materials will present students with an opportunity to draw upon, integrate, and apply corporate, commercial and regulatory law. Problem situations to be presented include: control of the money supply and Federal Reserve membership, banking powers, trust department activities, bank holding company activities, bank antitrust problems, formation and failure of banks, commercial paper activities, electronic fund transfers, and United States control of international banking.

Bankruptcy

LAW 625

3 hours

This course will focus on federal bankruptcy law and practice. Coverage will include both consumer bankruptcy and business bankruptcy issues. Secured Transactions (Law 629) is a prerequisite.

Business Associations

LAW 601

3 or 4 hours

This course reviews principles of agency and the essentials of partnership, limited partnership, and the limited liability company. The primary focus of the course is the legal framework for the governance of the modern corporation. Topics considered include choice of organization, distribution of powers, fiduciary relationships, questions of corporate governance, the special problems of closely held corporations, the regulation of securities transactions, and mergers, acquisitions and takeovers.

Business Law Seminar

LAW 669

2 hours

This seminar considers advanced topics related to business law at the instructor's election.

Business Planning

LAW 662

3 hours

This course is an advanced study of selected legal problems relating to business organization and finance. Through an examination of several extensive problems involving business transactions, students will have an opportunity to combine work in business associations, federal taxation, corporate finance and securities regulation in the context of business planning and counseling. Special attention will be devoted to planning for closely held enterprises. Individual grades may be based on: performance in leading class discussion on various aspects of the assigned problems; written business plans directed to the resolution of the planning problems; and class participation during presentations of other class members. Enrollment is limited to twelve students. Business Associations (Law 601), Taxation I (Law 649) and Taxation II (Law 654) are prerequisites. Advanced Business Associations (Law 668) is a pre- or co-requisite.

Canadian Legal System

LAW 676

3 hours

This course will first survey the constitutional history of Canada, including an examination of the development of the legal institutions of the province of Quebec. Next, the course will compare the operation of the parliamentary system of government in Canada with the American separation of powers system. Finally, there will be a consideration of selected decisions of the Supreme Court of Canada, with regard to questions of federalism and individual rights and a comparison of the results in those cases with the American experience.

Children and the Law

LAW 708

3 hours

This course will focus on the broader topic "Children and the Law," with special emphasis on the juvenile justice system. Central to course discussions will be how the law allocates power and responsibilities for children and how it should do so. Other core issues that this course will explore include the appropriate role of government vis-a-vis children and their families, children and the criminal justice system, and the conflict between children's constitutional rights and parental prerogatives.

Coastal Zone Law

LAW 687

3 hours

The course explores legal issues arising from the use and protection of the lands, waters, and natural resources of the coastline, coastal watersheds, and the near shore marine environment. Topics studied include laws and policies defining public and private property rights in the shoreline and submerged lands, coastal wetlands protection, coastal erosion, public shoreline access, disaster preparedness and climate change, and other coastal resources and uses.

Commercial Law Seminar

LAW 634

2 or 3 hours

Advanced topics related to commercial law, at the instructor's election.

Comparative Law

LAW 646

3 hours

A comparative study of common law and civil law legal systems, including the development and influence of the European Civil codes, the role of the judiciary in the common law and civil law systems, and the development of democratic institutions under different models of constitutionalism.

Conflict of Laws

LAW 642

3 hours

The course examines the principles used by the courts in choosing the law applicable to events and transactions having contacts with more than one jurisdiction. It examines also the reach of a jurisdiction's domestic law, rules for the recognition and enforcement of foreign judgments, and limits on jurisdiction to adjudicate in both interstate and international settings. Methods of harmonizing differing rules and policies in multi-jurisdictional transactions are considered.

Constitutional Law II

LAW 641

3 hours

This required course will explore the concepts of constitutional civil liberties and minority rights as part of the basic institutional framework of our legal system. Coverage will include the nature and development of the rights specified in the first amendment; rights under the due process, and equal protection clauses of the fourteenth amendment.

Constitutional Law Seminar

LAW 636

2 or 3 hours

Advanced topics related to constitutional law, at the instructor's election.

Consumer Law Seminar

LAW 609

2 or 3 hours

This course examines the case law, statutes and regulations that affect consumer transactions. Selected topics at the instructor's election.

Copyright Law

LAW 703

3 hours

This course examines the nature of the rights protected under federal copyright law and the types of works that qualify for protection, including literary, artistic, and musical works. This course also covers copyright duration, ownership, formalities, remedies for infringement, and principles of international protection. The Copyright Act of 1976 as amended forms the core statutory material covered by the course. The final grade is based upon class participation, a paper and an in-class presentation.

Criminal Law Seminar

LAW 679

2 hours

Selected topics at instructor's discretion

Criminal Procedure: Adjudication

LAW 606

3 hours

At the heart of the criminal process is discretionary decision-making by prosecutors and defense counsel. The prosecutor has vast, unreviewable power over the charging decision. But with that power comes the responsibility to evaluate the truthfulness of potential testimony by cooperating witnesses, police officers, law enforcement experts and alleged victims. Law by agreement of the prosecutor and defense counsel is the "law" that settles more than 90 percent of criminal cases, and the most important advocacy of defense counsel is often directed to the prosecutor. Before plea bargaining, the lawyers must evaluate everything that has gone before, such as the results of formal and informal discovery, the amount of time served pending trial, and the likelihood of conviction and of a particular

sentence. Mutual trust between prosecutors and defense counsel, or its lack, significantly influences the functioning of the criminal process. Having identified the powers of prosecutors and defense counsel, the course attempts an extended inquiry onto how these powers should be exercised.

Criminal Procedure: Investigation

LAW 693

3 hours

This course will focus on the investigative phase of criminal proceedings. We will examine the law that governs police conduct, including search and seizure, arrest and interrogation of suspects. The class will emphasize the interplay between abstract constitutional principles as interpreted by the courts and law enforcement on the street.

Disability Law Seminar

LAW 745

2 or 3 hours

This seminar considers advanced topics related to disability law at the instructor's election.

Economic Regulation of Business

LAW 666

3 hours

This course examines government economic regulation in a number of different contexts. There is a specific emphasis on economic analysis and economic justifications for regulation. The history and development of constitutional limitations on the regulation of business by government will be reviewed. The primary focus of the course is on traditional public utility regulation and the current efforts to deregulate certain of these public utilities, especially local telephone service and electricity generation. Timing permitting, government regulation in selected other sectors of the economy, e.g., health care and banking, will be examined and critiqued. The impact of government regulation on industrial concentration and on technological innovation will also be considered.

Education Law

LAW 682

3 hours

This course blends constitutional law, case law, and state and federal statutory analysis. The course will focus on current issues in public education, such as compulsory attendance, religion in the schools, curriculum control, students' rights, rights of the disabled, desegregation, and teacher employment.

Elder Law

LAW 705

3 hours

Elder Law explores the impact of an aging society on law and social policy. Topics include legal ethics, income maintenance and age discrimination, health care finance and delivery, long-term care entities and regulations, guardianship, and issues in retirement planning. Typically, students have an opportunity to write short papers on current topics of their choosing. Excellent papers may be accepted for publication in *Elder's Advisor: Journal of Elder Law* and *Post Retirement Planning*.

Employment Discrimination Law

LAW 653

3 hours

This course covers the legal bases for prohibiting discrimination in employment. Focus is on federal and state anti-discrimination statutes, including Title VII, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act of 1991, the Reconstruction Era Civil Rights Act, the Immigration Reform and Control Act, the Equal Pay Act, the Maine Human Rights and Whistleblower Protection Act. The four major categories of discriminatory treatment are explored, including the type of evidence, burden of proof, defenses, and litigation strategy applicable to each. Administrative procedures specific to employment discrimination claims are

also covered. In addition to substantive law, this course emphasizes practical considerations for advising and representing clients in employment disputes.

Environmental Law

LAW 637

3 hours

This course explores the causes of environmental degradation, the alternative legal regimes available to prevent or ameliorate it, and the role of the Congress, the courts, the agencies and the states in these regimes. The course focuses primarily upon pollution control statutes, but also includes discussion of intersections of environmental law and tort, administrative, and constitutional law.

Environmental Law Seminar

LAW 612

2, 3 hours

This seminar considers advanced topics in Environmental Law, at the election of the instructor.

Environmental Torts and Toxics Regulation

LAW 617

3 hours

This course is a study of the statutory, common law and constitutional principles governing regulation of toxic substances and the environment. Topics studied include community and workplace chemical "right to know" laws, pollution prevention, regulation and clean-up of solid, hazardous and radioactive waste, toxic torts, and pesticides. The course will review federal and Maine law, and will explore the constitutional issues of preemption and commerce clause restrictions which frequently come into play when states and municipal governments seek to regulate this area. Students will also have an opportunity to explore practical problems of toxics litigation, including use of experts and technical data, and the selection of appropriate remedies and issues for litigation.

Estate & Gift Taxation

LAW 678

3 hours

The course covers federal taxation of life and death transfers, including gifts, various types of trusts, property in which decedent has an interest at death; effects of retained powers and interests; the system of deductions and credits allowable to gifts and estates; taxes on generation-skipping transfers; limited consideration, if time allows, of estate and related income tax planning issues. Taxation I (Law 649) is a prerequisite except by permission of the instructor. Trusts and Estates is a co-or prerequisite.

Estate Planning

LAW 643

3 hours

The course is an examination of problems arising in the inter vivos and testamentary disposition of estates, including the tax problems of such disposition, the use of the trust and other methods for disposition of estates, and problems of drafting. The course emphasizes a problem oriented approach. Trusts and Estates (Law 695), Estate and Gift Taxation (Law 678), and Taxation I (Law 649) are prerequisites, except by permission of the instructor.

European Union Law

LAW 657

3 hours

In studying the law of the European Community, students will gain an insight into the building and operation of a federal-type regulatory and (perhaps) governmental structure. Comparisons with the American system are readily apparent and will lead to deeper understanding of the nature of federalism. Many of the specific problems of American federalism are replicated in the European context. Also, the subject has direct practical application in the context of international business, as for the most part European Community law serves economic ends.

Evidence

LAW 644

3 hours

This course provides a working knowledge of the Federal Rules of Evidence. Students are introduced to the major issues in the law of evidence including: the functions of judge, counsel, witness and juror, relevance and its limitations, impeachment of witnesses, and constitutional limitations upon evidentiary rules. The course uses a problem-solving approach emphasizing the application of evidentiary rules and principles in the context of trials to a jury. This course is a co-or prerequisite for Trial Practice (Law 650); and a prerequisite for all clinical offerings.

Externship

LAW 690

6 hours

Externships offer third-year and some second-year students the opportunity to gain legal experience and receive feedback on their work from seasoned professionals with guidance and support from a faculty member. Externs work at their placements approximately 18 hours per week over the course of the semester. Students are selected for participation based on application materials (resume, transcript, cover letter and writing sample). A conflict of interest form must be submitted at the time of application.

Family Law

LAW 673

3 hours

This course focuses upon basic legal issues relating to marriage, family and the termination of marriage. One segment of the course emphasizes jurisprudential and constitutional issues underpinning the institutions of marriage and family. A second segment emphasizes major doctrinal developments, including the laws of marital property, support and child custody.

Federal Courts

LAW 645

3 hours

The course addresses the most important, interesting and controversial functions of the federal courts: Federal court enforcement of federal constitutional law limiting state action. It focuses on the need to see federal constitutional rights and their enforcement system of jurisdiction and remedies as an integrated whole, in historical context. The course is approached as a system of relationships. There is a set of relationships between federal courts and state courts; sometimes federal courts review judgments of state courts, sometimes there is a jostling among the courts for the exercise of initial jurisdiction. There is a set of relationships between federal courts and state governments and officers, raising questions of who are proper parties and what are proper remedies. The policies which underlie not only the enforcement system but the rights themselves travel under the code word "federalism". Federalism is all about balance. It is about balancing the need for federal court enforcement of federal constitutional rights with the need not to unduly interfere with legitimate state interests. The course will inquire into the meanings of "federalism" in its jurisdictional, remedial and historical contexts. Our tour through over two centuries of federal jurisdiction, rights and remedies law hopefully will engender a deep understanding and appreciation of the marvelous uniqueness and resilience of our federal system.

General Practice Clinic

LAW 663

6 hours

This course is designed for students who want to have the broadest possible clinical experience. Each student is admitted to practice in Maine courts as a "student attorney," and will maintain an active case load of four to eight cases, which may include general civil, family, probate, appellate, or criminal cases. The course is practice- and skill-oriented, covering client counseling, ethics, investigation, pre-trial practice, negotiation, document drafting, trial experience, and appeals. You will learn how to be a lawyer, and how to interact with other lawyers, the courts and clients. Students will work with the close supervision and mentoring of a faculty supervisor. Along with regular work on cases, students also participate in a weekly one-hour seminar to discuss ongoing cases, ethical issues, lawyering skills and other topics. Enrollment is limited to twelve (12) to fifteen (15) third-year students, at

the instructors' election. Evidence (LAW 644), Trial Practice (LAW 650), and Professional Responsibility (LAW 632) are pre-requisites.

Group Study

LAW 699

1 or 2 hours

Upper-class students may form a group under the guidance of a professor for the purpose of studying an area of the law not the subject of a currently-offered course. Group studies may not be composed of fewer than four or more than fourteen students. Such groups must be approved by the Curriculum Committee at least four weeks prior to the beginning of the semester. The members of the group must conduct weekly meetings and each member must submit an individual paper at the end of the semester.

Health Care Law

LAW 618

3 hours

This is a basic health law class intended to provide an overview of the business and regulatory aspects of our healthcare system. Although the case study method of instruction will be used, this will be done in the context of the class "building" an integrated delivery system. The objective of the course is to understand the organizational structure of the healthcare delivery system and the interrelationship of the providers comprising the system. Topics covered include: the financing of healthcare, both historically, and as anticipated under various principles of healthcare reform; the regulatory oversight of healthcare, including such principles as maintaining tax exempt status, licensure, accreditation, and financial fraud; and the regulatory oversight, licensure, and disciplining of individual providers.

Immigration Law

LAW 681

2 hours

The course will examine both fundamental and advanced concepts of immigration law and U.S. immigration policy. The course will examine the history of U.S. immigration laws through the lens of current topics. It will also look at: U.S. obligations under international treaties to which it is a signatory; the workings and structure of the U.S. immigration system; and various immigration benefits and defenses available to non-citizens wishing to enter or to remain in the United States.

Independent Study

LAW 627

1 or 2 hours, fall, spring

On occasion an upperclass student may wish to pursue independent study, leading toward a paper of publishable quality, in an area not covered by a previous paper or the student's upper level writing paper, or participation in Law Review, Ocean & Coastal Law Journal, or Moot Court. If the student secures faculty supervision and the approval of the Dean, two course credits may be given. Among the factors which the Dean will consider are whether the study and the resultant paper will be of substantial educational value and whether the study will not be duplicative of the student's other efforts. In exceptional circumstances the Dean may approve the granting of one credit for reworking a previous paper toward publication.

Independent Writing

LAW 700

3 hours

The Independent Writing course is an independent study course where students, in consultation with a faculty advisor, complete a major research paper. Successful completion of the Independent Writing course satisfies the Upper Level Writing requirement, which is a requirement for graduation.

Insurance Law

LAW 655

3 hours

This course focuses on the essential role of insurance as an institution in the United States. Substantively, the course focuses on insurance contract interpretation, regulation, and various types of insurance including liability, health, life, and disability insurance. The course will deal with both theoretical issues involving the law and policy of insurance, and with practical issues such as how to read insurance contracts. The role of insurance in litigation will receive particular emphasis.

Intellectual Property Clinic

LAW 723

3 or 6 hours

The Intellectual Property Law Clinic offers a rare opportunity to work with clients involved with developing new products and businesses. Under the supervision of intellectual property lawyers at the Center for Law & Innovation and Maine Patent Program, students work directly with independent inventors, entrepreneurs, and research scientists. A wide variety of projects exist for acquiring practical skills as an IP lawyer. Students typically review innovation disclosures for patentability and write opinion letters based on their results. They will frequently determine whether trademarks qualify for protection and are available for registration, and counsel clients on how to proceed. In the case of university clients, students may assist with drafting a patent application, registering a copyright, applying for a trademark, or working on a licensing agreement. The Center for Law & Innovation is located at 400 Commercial Street overlooking Portland's bustling waterfront. The Center and Program are staffed with a professional Administrative Manager and an administrative assistant. Each student is assigned a workstation and computer, and has full access to the Center's ample office facilities and resources. Students may enroll in IP Law Clinic for either 3 or 6 credits for up to two semesters. The course is available to second- and third-year law students who have completed at least one course in an area of intellectual property law. Completion of or enrollment in Patent Law is highly recommended. The Clinic is also offered over the summer.

Intellectual Property Seminar

LAW 623

3 hours

This seminar will cover a variety of issues related to the protection of intellectual property on a worldwide basis. Topics to be covered include (1) the extraterritorial protection of intellectual property rights, including the concept of globalization; (2) international mechanisms for the acquisition of intellectual property rights; (3) international enforcement of intellectual property rights by rights holders, including parallel imports and gray market goods; (4) disputes between states; and (5) the future of international intellectual property law and policy, in particular issues related to domain names and Internet websites.

International Law

LAW 647

3 hours

This is a foundation course in public international law that is primarily, though not exclusively, concerned with legal relations among states and public entities in the global system. The course explores the dynamics by which international law is made and applied by appraising trends and outcomes in international decision bearing on problems of world public order. The goal is to equip students to understand why past decisions were made, to devise methods for predicting future decisions, to develop methods for inventing decision alternatives both at the structural or constitutive level, and to identify the conceptions and skills necessary for influencing future decisions in the range of arenas in which international law is made and applied: parliamentary, diplomatic, judicial and arbitral in national and international settings. Topics covered include: origins of international law, sources of international law, establishment and transformation of states and other actors, state recognition, diplomatic protection, jurisdiction, international courts and tribunals, international organizations, international human rights, resort to and use of force,

nation-building, the regulation of international agreements, sovereign immunity and enforcement of foreign judgments. Evaluation will be by examination.

International Law Seminar

LAW 648

2 or 3 hours

This is a research seminar exploring specialized topics in public and/or private international law. The principle theme and specific subjects will vary at the election of the instructor taking into account the general interests of students.

International Trade Law

LAW 651

3 hours

This course focuses on three aspects of the law of international trade. First, the basic elements of transnational commercial transactions will be examined. Second, the GATT and various other multinational trade agreements will be considered and discussed. Finally, United States domestic trade legislation will be reviewed and compared to approaches taken by other countries. If time permits, a number of discrete issues in international trade will be considered, including the transfer and protection of technology, the regulation of foreign investment, and the resolution of international commercial disputes.

Internet Law

LAW 664

3 hours

Virtually all aspects of business transactions will be affected as they are carried out on-line. This course will provide an overview of the significant legal issues arising as businesses engage in electronic commerce. Topics will include jurisdiction, privacy, electronic contracting, digital signatures, domain names, Internet crimes, trademark and copyright protection, and government regulation of the Internet. The course also will examine the need for uniform laws in this area, as well as recent Federal Legislation and proposed Uniform Acts.

Interviewing and Counseling

LAW 715

2 hours

The goals of this course are to introduce students to theories about how and why lawyers interview and counsel clients; to give students the opportunity to develop interviewing and counseling skills and evaluate the range of ethical choices available to lawyers in the interviewing and counseling process. Students will be exposed to different lawyer-client counseling models and learn how to choose the appropriate model for a given situation. Interview structure and process, techniques for communicating with clients, interviewing child clients and dealing with attorney-client conflicts and differences will be covered. In addition, students will learn how to analyze the decision the client must make, advise the client and facilitate implementation of the decision.

Introduction to Intellectual Property

LAW 661

3 hours

The course is a study of trademark, patent, and trade secret law, including the law of copyright and the misappropriation of ideas.

Judicial Externship

LAW 733

3 hours

Jurisprudence

LAW 674

3 hours

Students examine several basic and interrelated questions. First, what political and moral assumptions are implicit in American conceptions of legal rights? Second, in an age of skepticism, can fundamental legal rights be justified?

Finally, is there a method to legal thought, or were the legal realists correct in asserting that the law depends upon what the judge ate for breakfast? Readings include Arendt, Holmes, Dworkin, Marx, Mill, and selected cases.

Juvenile Justice Clinic

LAW 724

3 hours

The Juvenile Justice Clinic is a three-credit course through which students provide direct representation to juveniles in delinquency proceedings in area courts. This clinic provides students the opportunity to learn about practice in the area of criminal law, as well as the unique needs and circumstances of juvenile defendants. The course is practice- and skill-oriented, covering client counseling, ethics, investigation, pre-trial practice, negotiation, document drafting, trial experience, and appeals. You will learn how to be a lawyer, and how to interact with other lawyers, the courts, and clients. Students work with the close supervision and mentoring of a faculty supervisor. In addition to their client work, students enrolled in the Juvenile Justice Clinic will participate in a classroom component which features presentations by guest speakers on the various issues that arise in delinquency proceedings, as well as "case rounds" in which the students exchange ideas and questions about their current cases. Evidence (LAW 644), Trial Practice (LAW 650), and Professional Responsibility (LAW 632) are pre-requisites. This course is limited to third-year students.

Labor Law

LAW 652

3 hours

This course examines the rights and obligations of employees and employers under the National Labor Relations Act. Topics include union organizational campaigns, representation elections, collective bargaining, the use of economic weapons, arbitration, and the enforcement of collective bargaining agreements. In addressing these topics we shall analyze (1) the roles of the Congress, the National Labor Relations Board, and the courts in making labor law, and (2) the principles and ideological assumptions that have informed the development of American labor law.

Land Transactions

LAW 672

3 hours

This course is concerned with the acquisition, financing, development, operation, and disposition of real estate. The course provides an introduction to the essential material that a lawyer needs for participation in sophisticated real estate practice, including relevant doctrines and principles of the law of contracts, property, conveyance, mortgages, and leases. Attention is also devoted to financing techniques for the acquisition and development of real estate.

Law and Literature

LAW 701

2 hours

This course considers selected legal and jurisprudential questions from the perspectives provided by literature. Principal questions to be considered are the nature of legal reasoning, the impact of law and legal institutions on the individual, the relationship between law and social order, the idea of justice and its realization in practice, the role of the lawyer, and certain legal issues of contemporary importance (like law in a multicultural nation and world, law and race in America, law and gender issues, etc.). These themes will be pursued through the reading and discussion of selected novels, short stories, and plays. There may be a summer reading requirement for this offering.

Law and Sports

LAW 602

3 hours

An examination of legal rules and problems which have an impact on both amateur and professional sports, including the role of sports in education, organization of leagues, the role of agents, torts, product liability, antitrust, player contracts and unions, and the role of the attorney.

Law of the Sea

LAW 697

2 or 3 hours

This course examines the world public order of the oceans from the classical origins of the law of the sea to the post-September 11, 2001 security environment. It will appraise contemporary oceans law and policy including the goals and common interests of the world community and the United States including Maine. A framework for analysis of contemporary oceans law problems and claims will be considered before proceeding to a detailed appraisal of specialized topics. Subjects covered include sources of oceans law, United States oceans policy, the Third UN Conference on the Law of the Sea and the 1982 UN Convention on the Law of the Sea, maritime navigation, maritime zones, coastal law and policy, land-locked and geographically disadvantaged states, fisheries, straddling stocks and highly migratory species, weapons testing, the continental margin, protection of the marine environment, marine scientific research, maritime boundary delimitation, deep seabed mining, national security and international incidents, polar and exploration claims, settlement of disputes, and the future of oceans policy.

Final examination. Paper option with approval of instructor.

Law Review

LAW 680

1 or 2 hours

Open only to second-and third-year law review students. The course is taken for credit each semester for work on the Maine Law Review.

Legal History

LAW 628

3 hours,

This course considers selected topics in American legal history, including the 18th century origins of the United States Constitution, the movement for codification in the 19th century, and other 19th and 20th century legal developments.

Legal Writing TA

Law 619

3 hours

Open to those selected as third-year legal writing instructors.

Legislation

LAW 615

3 hours

This course focuses primarily on the federal legislative process, and will consider the role of interest groups and lobbying; the use of legislative history in statutory interpretation; and the legal issues raised by proposals for legislative reform. Students will explore topics such as the constitutional law and political theory of representation, campaign finance reform, ballot initiatives and referenda, term limit proposals, and the federal budget process. These issues are discussed from legal, economic, and political perspectives, and theoretical conclusions will be applied to practical examples of actual legislation.

Marine Law Seminar

LAW 746

2 hours

This is a research seminar exploring select topics in marine law. The course theme and specific subjects will vary at the election of the instructor taking into account the general interests of students.

Marine Resources Law

LAW 658

3 hours

This course focuses on Federal and state laws respecting the use and management of the territorial sea, the continental shelf, and the 200-mile Exclusive Economic Zone. Topics considered include the history and status of state-federal preemption, state and federal regulation of domestic marine fisheries and aquaculture, marine endangered and protected species, offshore energy development, marine pollution control, oil spill liability, and area-based management approaches such as the national marine sanctuary program. Federal statutes explored include the Magnuson Fishery Conservation and Management Act, the Outer Continental Shelf Lands Act, the Ocean Dumping Act, and the Marine Mammal Protection Act.

Maritime Ports: Law, Policy, and Security

LAW 707

2 hours

Mediation Practicum

LAW 665

3 hours

Medical-Legal Process

LAW 675

3 hours

This course is designed to explore a range of difficult medical, moral, and legal questions which surround such issues as death, right to life, right to treatment, dealing with the incompetent, suicide, patient rights. Public policy questions dealing with health care delivery systems, organ transplants, and medical malpractice are also examined.

Natural Resources

LAW 633

3 hours

This course surveys the laws governing the ownership, conservation, exploitation, and preservation of renewable and non-renewable natural resources, including wildlife, fisheries, wilderness, parks, water, forests, and energy. It examines the constitutional, historical, political, and economic underpinnings of natural resources law and the means by which public policies are formulated, implemented, challenged, and revised.

Negotiable Instruments and Payment Systems

LAW 630

3 hours

The course includes a study of a broad range of problems relating to negotiable instruments; check collection, electronic fund transfers, and related matters. The principal sources of governing law are Articles 3 and 4 of the Uniform Commercial Code.

Negotiation

LAW 683

3 hours

Negotiation is explored in two ways: readings are assigned on interpersonal communication skills, bargaining theory and negotiating techniques; and a series of problems assigned which students negotiate. The negotiations are critiqued. A wide range of the types of negotiations in which lawyers participate will be examined in the course. Students in the course will develop a conceptual understanding of the negotiation process and the skills needed to apply their knowledge.

Ocean and Coastal Law Journal

Law 696

1 or 2 hours

Open only to second- and third-year students who have been selected for OCLJ membership.

Partnership Taxation

LAW 688

3 hours

Federal income taxation of partners and partnerships (and other business entities such as limited liability companies that are treated as partnerships for tax purposes) is governed by a tax regime that is separate and distinct from those that govern the taxation of individuals (Taxation I) and corporations and their shareholders (Taxation II). The course focuses on various aspects of this unique tax regime including the considerations that affect choice of entity and qualification as a partnership, and the tax consequences to the partnership and its partners in connection with the formation, operation and termination of a partnership, the sale of partnership interests and property, distributions from the partnership to its members and allocations of income, losses, deductions and credits. Taxation I (Law 649) and Business Associations (Law 601) are prerequisites.

Patent Law

LAW 698

3 hours

This course examines the major issues of the substantive patent law of the United States. Topics include patentable subject matter, utility, novelty, statutory bars, priority of invention, non-obviousness, scope and content of the prior art, disclosure and enablement, reissue and reexamination, infringement, misuse, remedies, and the relationship between trade secret and patent law. The process for obtaining a patent from the U.S. Patent and Trademark Office will not be covered in depth, but there will be an introduction to this process.

Prisoner Assistance Clinic

LAW 712

3 hours

This three-credit course provides 3rd year students with extensive opportunity to serve clients on a wide range of civil matters, such as family law, torts, trust and probate, contracts, insurance, consumer rights, wages, and any other civil legal issue that might arise. Students enrolled in this clinic are admitted to practice in Maine courts as student attorneys and provide the full range of civil legal services to prisoners in the Maine prison system. Each student will go to the Maine Correctional Center in Windham on Wednesday (either morning or afternoon, 18 miles round trip) to meet with prisoners seeking legal help. Prisoners in other facilities are assisted through telephone and written correspondence. The legal services provided by students can range from answering questions and providing assistance with completion and filing of legal forms, to full representation in court proceedings (including trials and appeals in both federal and state courts.) We do not provide assistance on criminal, post-conviction or prisoners rights matters in this program. Students work closely with the faculty supervisor during the week, and also participate in a weekly one-hour seminar to discuss ongoing cases, ethical issues, lawyering skills and other topics. Enrollment is limited to five third-year students. Evidence (LAW 644), Trial Practice (LAW 650), and Professional Responsibility (LAW 632) are pre-requisites.

Professional Responsibility

LAW 632

3 hours

This course examines the role of the legal profession in defining, promulgating, and enforcing standards of professional conduct. Selected problems illustrative of the responsibilities of members of the legal profession are examined. Successful completion of Professional Responsibility is required for graduation.

Race, Gender, Sexual Orientation and the Law

LAW 692

2 hours

Constitutional law in the U.S. (based on both the federal and state constitutions) has played active roles in framing issues related to race, gender, and sexual orientation and legal equality in the last sixty years. The course will examine cultural ideas and constitutional theories that relate to civil rights litigation of various types related to these categories. The course will also analyze critiques of those ideas and theories, and consider alternative viewpoints.

Remedies

LAW 671

2 or 3 hours

The study of judicial remedies focuses on the legal, equitable and restitutionary relief available for breach of contract, breach of duty in tort, violation of statute, unjust enrichment and other causes of action, as well as on the limits of such relief. The approach of this course combines the theoretical with the practical in exploring the social values that inform remedial principles as well as the nuts and bolts of remedies practice in federal and state court.

Secured Transactions

LAW 629

3 hours

This course examines the legal problems that arise in financing transactions secured by personalty, including those arrangements involving the distribution and sale of goods. The principal source of governing law is Article 9 of the Uniform Commercial Code. The course also examines the effectiveness of security interests in bankruptcy. This course is a prerequisite for Bankruptcy (Law 625).

State & Local Government

LAW 616

3 hours

The emphasis of this course is on understanding the relationship among federal, state, and local governments. The character of institutions and fiscal policies, particularly at the state/local level, will be examined as well as the actual mechanics of how they are established and work.

Taxation I

LAW 649

4 hours

Taxation I is a basic federal income tax course dealing with taxation of the individual. It covers the questions of what income is, what expenses are deductible, when such income and deductions are realized or allowed, at what rates the income is taxed, and whether income can be assigned to another. Both policy and practical concerns will be discussed. This course is a prerequisite for Business Planning (Law 662), Estate and Gift Taxation (Law 678), Estate Planning (Law 643), Taxation II (Law 654), Partnership Taxation (Law 688), and Taxation Law Seminar (Law 670).

Taxation II

LAW 654

3 hours

A study of the taxation of corporations (including S corporations) and their shareholders, with principal emphasis on the tax consequences of forming, operating, terminating, and selling an interest in a corporation, as well as some exploration of issues arising when one corporation acquires another corporation. Taxation I (Law 649) and Business Associations (Law 601) are prerequisites.

Taxation Law Seminar

LAW 670

2 or 3 hours

Advanced topics at the instructor's election.

Topics in Law and Philosophy

LAW 667

2 hours

This course focuses on Terrorism, Political Legitimacy, and the Rule of Law. In recent years a variety of statutes, treaties, and court decisions have sought to define terrorism and to punish terrorist acts. These various definitions are nearly always controversial, and some writers have argued that labeling an act terrorist is simply a form of name-calling. In this seminar students will analyze primary legal materials and in doing so come face-to-face with a number of fundamental, philosophical questions. What is meant by "the rule of law?" Is it possible to define terrorism without first making judgments about the political legitimacy of particular governments? How should one determine whether a government or an insurgent group is legitimate? Must a legal system make such judgments?

Trademark Law

LAW 716

2 hours

This course offers students an introduction to acquiring and protecting trademarks. Students learn how to counsel clients on what may serve as a proper trademark, how to register a mark with the state and the U.S. Patent and Trademark Office, the nature of an infringement lawsuit, and defending trademarks against domain name "cybersquatters" in US courts and through international arbitration systems. This course is designed to give students a practical rather than theoretical view of trademark law and as such frequently incorporates local practitioners in delivering course materials and answering students' questions. The final grade is based upon class participation, a paper and an in-class presentation.

Trial Advocacy

LAW 691

3 hours

Open to four students, with selection based on performance in the basic Trial Practice course and a competitive interview process including a performance component, this course will involve development of trial advocacy skills and their application in preparing for the National Mock Trial competition.

Trial Practice

LAW 650

3 hours

This course offers the opportunity to develop the skills necessary to conduct a trial, including developing a case theory, opening statements, direct and cross examinations of witnesses, use of exhibits, and closing arguments. The study of trial techniques is primarily through use of simulation, role-playing, demonstration, and individual evaluation and feedback. Evidence (Law 644) is a co- or prerequisite. This course is a prerequisite for certain Externship placements and all clinical offerings, except the Intellectual Property Law Clinic.

Trusts & Estates

LAW 695

3 hours

This course examines the law of gratuitous transfers and decedents' estates. Topics to be considered are intestate succession, wills, trusts, and problems of construction. Special attention is given to the Uniform Probate Code. This course is a prerequisite for Estate Planning (Law 643), and a co- or prerequisite for Estate and Gift Taxation (Law 678).

Upper Level Writing

LAW 631

1 hour

The Upper Level Writing course is a one-credit course that allows students to satisfy the Upper Level Writing requirement. Students must register for this one-credit course in connection with a designated course or seminar. After enrolling in the course or seminar and Upper Level Writing, students will write a major research paper in conjunction with the course or seminar and in consultation with a faculty advisor. Successful completion of the designated course or seminar and one-credit Upper Level Writing satisfies the Upper Level Writing requirement, which is a requirement for graduation.