

**CURRICULUM  
PLANNING GUIDE  
2009-2010**

**Overview**

This document gives students some basic guidance in planning their course schedule beyond the first year. The Natural Resources Committee and the Business and Commercial Faculty Committee have also prepared more specialized guides, which you should consult as well. The 3-year curriculum plan, included with your registration materials (and available online at the Law Registrar's home page <http://law.lclark.edu/dept/lawreg>), will give you some sense of the sequencing and frequency of courses. Information about each of the courses listed in the plan is contained in the course descriptions. PLEASE NOTE that the three-year plan is a planning document only, and not a guarantee how courses will be offered in future years. While it is settled for the next academic year, it is merely a guide for future years.

There are many different opinions on curricular planning and on what factors should influence students in making choices. Unlike some law schools, our law school offers students substantial freedom in their upper class course selections. This freedom is premised on students taking individual responsibility to inform themselves of the opportunities and considerations involved in planning an individual course of study. Students are encouraged to attend the formal curriculum counseling sessions held each spring as well as to seek further counsel from individual faculty members or members of the bar. In the end, each student needs to make a judgment based on his or her particular circumstances and interests. This document is one attempt to help you make informed judgments.

**Bar Courses**

Information on bar requirements for the various states is available from Career Services or the Registrar. A common question is whether students should take as many "bar courses" as possible. There is no guarantee that bar passage will be assured by such a strategy, but there are faculty members who believe that you are more likely to pass the bar with more exposure to the subjects tested by the bar. There *is* an empirical correlation between higher bar failure rates and low law school grades. For that reason, students with lower grades should probably pursue a strategy oriented to passing the bar. Such a strategy might include systematic work on writing skills and exam taking skills, in addition to taking particular bar courses.

Most lawyers and law professors believe that students should obtain a broad foundation in the law. That is, no matter what field of law or type of practice you believe you will choose, a working knowledge of the basic concepts in each major area of law is critical. Appendix I includes a list of these major areas of the law and the basic courses within them. Some would counsel students to take all the basic courses, but there is more agreement that students should try to take at least one course in a number of these areas. The faculty also advise that you not limit your upper level courses to one area, but rather develop a broad foundation in the law by taking upper level courses in a number of different areas. Appendix II contains lists of upper level courses in the basic areas of the law. It should be noted that the same course can be "basic" to one area of the law and "upper level" in another area of the law. NOTE: Many advanced specialized courses are not taught every year. Consult the curriculum three-year plan to see when these courses are likely to be offered.

Many students come to our law school because of its strength in environmental and natural resources law or other specialized areas of the law. Because of our strength in these fields, students have the ability to take a large number of courses in them. The earlier advice about the need for a broad background in the law applies equally to students interested in these areas. Employers, even in specialized areas, are more interested in a strong foundation in the law than a narrowly-focused expertise.

In addition to a broad foundation, some degree of specialization in the law is useful from a pedagogical perspective. In at least one area of the law, students should probe deeply enough into the substantive law to have a sense of expertise. This does not require a large number of courses, but rather a logical sequence such as a basic course, an upper level course, and a specialized seminar. Appendix III contains a list of illustrative logical sequences. Students can also speak with teachers or practitioners in particular areas of the law in which the student is interested

about the best means to achieve a level of expertise. Sometimes this goal can also be obtained from summer or part-time work or from clinical offerings (including externships).

Some members of the faculty further believe that students should take at least one course or seminar on a jurisprudential or theoretical topic and, if possible, also a course or seminar on legal history. This type of class provides perspective and context for your other classes, while also exposing you to interesting material you are not likely to see in practice.

This document primarily gives advice about classroom courses. However, we also offer a wealth of classes and activities that stress practical skills in different areas. For example, the two downtown clinics provide exposure to lawyering skills in diverse areas such as employment law, family practice, landlord-tenant law, tax and small business advising. There are also specialized clinics in the areas of environmental law, animal law, and victims' rights. We offer many different moot court activities focusing on client counseling, trial advocacy and appellate advocacy. Some of the moot courts have a substantive focus, such as environmental law, Native American issues, or international law. The street law seminar provides a transubstantive exercise in communication skills through teaching a variety of legal concepts to high school students. Externships, clinical internship seminars, and other practical skills classes are described more fully in other parts of What's What and in the course descriptions. In planning a course of study, students should consider these many opportunities for practical learning. Law review can also be taken for credit. NOTE: The practical skills classes are credit/no credit (ungraded); only a certain number of CR/NC classes can be applied towards graduation requirements.

Upper division students need to fulfill certain requirements beyond their first year courses. All upper division students are required to take the following: Constitutional Law II; a course officially designated as a "seminar"; a class that fulfills the professionalism/ethics requirement; classes or other activities that fulfill the two writing requirements, and, for the class entering in Fall 2006 and after only, two credits from a list of classes designated as "professional skills" classes. Students who were in the evening division their first year also need to take Criminal Procedure I and Property, in addition to all of the above. Because the property and criminal procedure courses are foundational subjects, evening students should try to complete them during their second year. Some of the requirements may be possible to fulfill simultaneously, such as a seminar that also fulfills a writing requirement or the professional skill requirement. In planning their second year curriculum, students should look ahead and consider when they will fulfill these various requirements. It is not a good idea to leave a number of them until the last semester, particularly the A or Capstone writing requirement.

Day students may take evening courses, and vice versa, and students may change enrollment from day to evening division and back over the course of their law school career, providing substantial flexibility in constructing a program. Summer school offerings also provide flexibility, though students need to pay close attention to residency requirements if they attend summer school.

Students who wish to qualify as "certified law students" authorized to appear before courts and tribunals in Oregon under the general supervision of an attorney should read the requirements under "Special Programs" in What's What. Certification is a requirement for certain externships; it is helpful (but not required) for the civil practice clinic; and it can enhance the value of certain part-time jobs. For purposes of curriculum planning, students must have completed the equivalent of four day semesters and an Evidence class before they may be certified.

A common complaint by employers is that students come out of law school with insufficient writing skills. Good writing is one of a lawyer's greatest assets. Students who are weak in writing skills or experience should seek opportunities to improve those skills rather than avoid courses that exercise them. There are a number of courses, in addition to seminars, that require or allow for papers rather than exams, and upper level students may also enroll in independent study under the supervision of a faculty member.

One of the opportunities available at our law school is the externship experience. See What's What for details of this program. Externships can be valuable learning opportunities, and some can be a stepping stone to future employment. But externships are not for everyone. Because a semester-long externship involves the loss of one

semester's traditional course work and also imposes a substantial paper requirement (usually fulfilled in the following semester), an externship is probably not appropriate for students encountering difficulty in their courses or for students who wish to take the maximum number of traditional courses. Those considering externships should begin planning early and should structure their schedules in light of a planned semester's absence and the externship pre-requisites. Particular attention should be given to scheduling year-long courses and courses offered every other year. NOTE: Completed applications are due early in the semester preceding the externship. The Career Services Office oversees externships and has further information.

Advance planning is also required for registration for an Individual Tutorial Project (see the course description for Individual Research and Tutorial Experiences). To register for such a project a student must submit a completed application to the Curriculum Committee by about the middle of the semester preceding the Tutorial.

For additional information, consult the specialty guides within What's What, talk to Associate Dean Martha Spence, Associate Deans Libby Davis, Lisa LeSage, and Janice Weis, faculty, practitioners, or the Registrar's Office.

## **APPENDIX I**

### **Required Courses**

*Civil Procedure*

*Constitutional Law I and Constitutional Law II*

*Contracts*

*Criminal Justice: Criminal Procedure I*

*Legal Elements* (for students entering law school in 2009 and 2010)

*Property*

*Torts*

*Legal Analysis and Writing*

In addition, students must fulfill:

- a legal ethics or professionalism requirement
  - 2 writing requirements (the "A" and "B" writing requirements or the WIE and Capstone writing requirements, applicable to students who enter the first year in or after fall 2008)
  - a seminar requirement (course officially designated as a seminar)
  - a professional skills requirement (applicable only to students entering in Fall 2006 and after)
- (See What's What for details)

## **APPENDIX II**

### **Major Areas of the Law**

#### **Basic Courses Beyond First Year**

(Other than Required Courses)

*Commercial & Corporate Law*

(See Guide to Business and Commercial Curriculum and Certificate Information)

*Criminal Justice*

Criminal Procedure II  
Criminal Law I  
Evidence

*Employment Law*

(See Guide to Business and Commercial Curriculum)

*Environmental/Natural Resources Law*

(See the Environmental & Natural Resources Law Curriculum Advice and Certificate Information)

*Family Practice*

Family Law  
Income Tax I  
Property Transactions  
Wills and Trusts

*Government Regulation Law*

Administrative Law

*Intellectual Property*

(See Guide to Business and Commercial Curriculum and Certificate Information)

*International Law*

Public International Law  
International Business Law

*Indian Law*

Federal Indian Law

*Jurisprudence*

Select at least one course from Appendix III

*Litigation*

Alternative Dispute Resolution  
Evidence  
Trial Advocacy

*Taxation*

(See Guide to Business and Commercial Curriculum and Certificate Information, and Tax Certificate information)

*Torts Law*

Evidence  
Torts II

*NOTE:* Because clinics are not classroom courses, they are not listed among the basic courses in this appendix. However, students who want practical experience in the areas of employment law, business advising, family practice, government regulation, tax, environmental litigation, international environmental work, or victims' rights, should consider enrolling in a clinic. Moot courts provide another opportunity to develop practical skills. Several—appellate advocacy, environmental and animal law, international, intellectual property, NALSA and tax—concentrate on appellate advocacy skills. Mock trial, client counseling, negotiation, and environmental negotiation deal with separate skill areas. If you wish to participate in more than one moot court competition, consider trying different skill areas. *NOTE:* also, that you may earn only four (4) credit hours in any one practical skill area of moot court. The number of ungraded credits is also limited.

## **APPENDIX III**

### **Major Areas of the Law: Upper Level Courses**

#### *Business & Commercial Law*

(See Guide to Business and Commercial Curriculum and Certificate Information)

#### *Civil Rights Law*

Civil Rights Litigation  
Disability Law  
Federal Courts  
First Amendment Seminar  
Immigration and Citizenship Law  
International Human Rights  
Law of Global Labor Markets Seminar  
National Security Law  
Race and the Law  
Remedies  
Reproduction and the Law Seminar  
Sexual Orientation and Gender Identity Seminar

#### *Criminal Justice*

CJ: Collateral attack on Criminal Convictions Seminar  
CJ: Comparative Crim Law/Proc Seminar  
CJ: Criminal Practice Seminar  
CJ: Criminal Law II  
CJ: Criminal Procedure II  
CJ: Federal White Collar Crime Seminar  
CJ: Terrorism and National Security Seminar  
CJ: Victims in Criminal Procedure  
CJ: Clinical Internship Seminar—Criminal  
CJ: Clinical Internship Seminar—Environmental Prosecution  
Environmental Enforcement

#### *Employment Law*

(See Guide to Business and Commercial Curriculum)

#### *Environmental/Natural Resources Law*

(See the Environmental & Natural Resources Law Curriculum Advice and Certificate Information)

#### *Family Practice*

Alternative Dispute Resolution  
Bankruptcy and Debtor/Creditor  
Children and the Law Seminar  
Community Property  
Contemporary Issues in Family Law Seminar  
Elder Law  
Estate and Gift Tax  
Estate Planning Seminar  
Family Business Seminar  
Family Mediation Seminar  
Healthcare Law

Health Law and Policy  
Juvenile Justice Seminar  
Law and Education Seminar

*Government Regulation Law* (other than Environmental Regulation)

Antitrust Law  
Aviation Law  
Consumer Law  
Immigration Law  
Interstate Compacts Seminar  
Local Government Law  
NW Energy Law  
Telecommunications Law Seminar

*Indian Law*

Clinical Internship Seminar-Federal Indian Law (offered summer only)  
Cultural Resources Protection Seminar  
Federal Indian Law Seminar  
Native American Natural Resources Seminar

*Intellectual Property Law*

(See Guide to Business and Commercial Curriculum and Certificate Information)

*International Law*

CJ: Terrorism and National Security Seminar  
Comparative Constitutional Law  
Immigration Law  
International Business Arbitration Seminar  
International Dispute Resolutions  
International Environmental Law  
International Human Rights  
International Humanitarian Law: Global War and Terror  
International Intellectual Property  
International Tax  
International Water Law Seminar  
Law of Global Markets Seminar  
National Security Law  
Trade & Environment Seminar  
Transnational Litigation & Arbitration  
US Foreign Relations Law

*Jurisprudence and Legal History*

American Legal History  
Comparative Constitutional Law  
Conflicts of Law  
Constitutional Interpretation/Judicial Review  
Constitutional Theory Seminar  
Jurisprudence: American Legal Thought Seminar  
Jurisprudence: Critical Legal Studies Seminar  
Jurisprudence: Law and Justice  
Jurisprudence and Property  
Lawyers in Society  
Legal History  
Legal History Seminar

Supreme Court Seminar

*Litigation*

Administrative Law  
Advanced Trial Advocacy Seminar  
Arbitration Law & Practice  
Civil Rights Litigation  
Complex Litigation  
Conflicts of Law  
Environmental Enforcement  
Environmental Litigation Seminar  
Environmental Mediation and Negotiation Seminar  
Evidence  
Federal Courts  
Federal Litigation Practice Seminar  
Mediation & Negotiation Skills Seminar  
Oregon Pleading & Practice  
Patent Litigation  
Remedies  
Supreme Court Seminar  
Trial Advocacy

*Taxation*

(See Guide to the Business and Commercial Curriculum, and Tax Certificate information)

*Torts Law*

Torts II  
Torts II: Toxics  
Worker's Compensation  
Environmental Liability Insurance Seminar

NOTE: This appendix lists classroom courses only, and does not include clinics or all skills classes. However, students who want practical experience should consider enrolling in skills classes, of which we have a large and varied menu.

**APPENDIX IV**

The following list is intended to illustrate sequences of courses in areas that result in some degree of expertise in the particular area. These are merely examples; there are many different possible sequences beyond those listed here. You are also encouraged to speak to professors or practitioners in the areas in which you are interested for their advice on sequences.

**Major Areas of the Law: Courses  
Course Sequence Samples - Examples Only**

*Commercial Law & Corporate Law*

(See Guide to the Business and Commercial Curriculum and Certificate Information)

*Criminal Justice*

Basic

Crim Proc. I  
Crim Proc. II  
Crim Law I

Upper Level

Crim Law II  
Victims in Crim. Pro

Specialized

CJ: Crim. Practice Sem.  
CIS—Criminal  
CIS—Environmental Prosecution

Evidence

CJ: Comp. Crim Law & Proc.  
CJ: White Collar Crime

*Employment Law*

(See Guide to Business and Commercial Curriculum)

*Environmental & Natural Resources*

(See Environmental & Natural Resources Law Curriculum Advice and Certificate Information)

*Family Law*

Basic

Family Law

Upper Level

Alternative Dispute Resolution  
Child & Law Sem.  
Community Property

Specialized

Family Business Seminar  
Family Mediation  
Contemp. Issues in F.L.  
Juvenile Justice Seminar  
Law & Education Sem.

*Government Regulation Law*

Basic

Admin. Law

Upper Level

Antitrust Law  
NW Energy Law

Specialized

Telecommunications Law Seminar

*Litigation*

Basic

Alternative Dispute Resolution  
Evidence

Upper Level

Fed. Courts  
Civil Rights Litigation  
Conflicts of Law

Specialized

Advanced Trial Lawyers Seminar  
Mediation and Negotiation Skills

*Real Estate Law*

(See Guide to Business and Commercial Curriculum)

*Tax Law*

(See Guide to the Business and Commercial Curriculum, and Tax Certificate Information)

*Tort Law*

Basic

Torts II  
Torts II: Toxics

Upper Level

Worker's Comp.

Specialized

Environ. Liab. Ins. Sem.  
Advanced Tort Seminar

*Wills and Trusts*

Basic

Wills & Trusts

Upper Level

Estate & Gift Tax

Specialized

Estate Plan. Sem.  
Adv. Tax Seminar

NOTE: With regard to clinic, see the note in Appendices I and II.

~~GENERAL CURRICULUM PLANNING GUIDE FOR BUSINESS LAW COURSES~~

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CURRICULUM GUIDE FOR BUSINESS LAW COURSES**