

GENERAL CURRICULUM PLANNING GUIDE
2008-2009

CURRICULUM PLANNING GUIDE

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 reputation in environmental and natural resources law. Because of our strength in these fields, students have the ability to take a large number of natural resources and environmental law courses. The earlier advice about the need for a broad background in the law applies equally to students interested in this area. Employers, even in the environmental area, 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 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 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 which 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 that is not found many other places 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 an externship involves the loss of one semester's traditional course work as well as 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, Assistant 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

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)
 - 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

(See Guide to Business and Commercial Curriculum)

Indian Law

Federal Indian Law

Jurisprudence

[see 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
Health Law: Bioethics
Immigration and Citizenship Law
International Human Rights
Law of Global Labor Markets Seminar
Race and the Law
Remedies
Reproduction and the Law Seminar
Sexual Orientation Law and Gender Studies Seminar

Criminal Justice

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
Family Business Seminar
Family Mediation Seminar
Health Law: Bioethics
Health Law: Basic Survey
Health Law: Health, Poverty and the Law Seminar
Health Law: Law, Medicine and Ethics at the End of Life Seminar

Juvenile Justice Seminar
Law and Education Seminar

Government Regulation Law (other than Environmental Regulation)

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

Indian Law

Clinical Internship Seminar-Federal Indian Law
Cultural Resources Protection Seminar
Federal Indian Law Seminar
Native 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 and Citizenship Law
International Business Arbitration Seminar
International Environmental Law
International Human Rights
International Intellectual Property
International Law and the Occupation of Iraq
International Tax
International Water Law Seminar
National Security Law
Public International 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 Theory Seminar
Jurisprudence: American Legal Thought Seminar
Jurisprudence: Critical Legal Studies Seminar
Jurisprudence: Law and Justice
Jurisprudence: Interpretation
Lawyers in Society
Legal History Seminar
Supreme Court and the Environment
Supreme Court Seminar

Litigation

- Administrative Law
- Advanced Trial Advocacy Seminar
- Arbitration Law & Practice
- Civil Rights 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
- Supreme Court & Environment Seminar
- Transnational Litigation & Arbitration
- Trial Advocacy

Taxation

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

Torts Law

- Advanced Torts Seminar
- 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

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
- Evidence

Upper Level

- Crim Law II
- Victims in Crim. Pro

Specialized

- CJ: Crim. Practice Sem.
- CIS—Criminal
- CIS—Environmental Prosecution
- 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
Transnational Litigation &
Arbitration

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.