

CURRICULUM

PLANNING GUIDE

2011 - 2012

Overview

This document gives students some basic guidance in planning their course schedule beyond the first year. The Natural Resources Committee, the Business and Commercial Faculty Committee, and the Global Law 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 of 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. Students have 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, Associate Deans Spence, Lesage, or Weis, 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 advises 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.

In addition to classroom courses, we offer many opportunities for learning in a practical setting. For example, the Lewis & Clark Legal Clinic provides exposure to lawyering skills in diverse areas such as employment law, family practice, landlord-tenant law and tax. The Small Business Legal Clinic offers training in small business advising. There are also specialized clinics in the areas of environmental law, international 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 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 skills 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 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 (LCLR); 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 courses offered at the law school. Those considering externships should begin planning early and should structure their schedules in light of a planned semester's absence and the externship prerequisites. 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 after 2009)

Property

Torts

Legal Analysis and Writing

Legal Research

In addition, students must fulfill:

- a legal ethics or professionalism requirement
 - 2 writing requirements: the WIE and Capstone writing requirements.
 - a seminar requirement (course officially designated as a seminar)
 - a professional skills requirement
- (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

Global Law

(See Guide to Global Law)

Government Regulation Law

Administrative Law

Intellectual Property

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

International Law

(See Guide to Global 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

APPENDIX III

Major Areas of the Law:

Upper Level Courses

NOTE:

Our different clinics are included here in the applicable substantive areas of law listed in this guide, or are included in the specialized planning guides for environmental law, business and commercial law, and global law. 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 law, NALSA and tax—concentrate on appellate advocacy skills. Mock trial, client counseling, negotiation, and environmental negotiation deal with separate skill areas. Moot courts are only listed in the substantive areas of this guide or the specialized guides if they have a particular focus on a substantive area of the law. However, the focus of many moot courts is on learning the lawyering skill, not on a particular area of substantive law. (For example, negotiation or client counseling). These moots courts cannot be reliably categorized in a particular substantive area, and are therefore not listed here. 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.

Business & Commercial Law

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

Civil and Human Rights Law

Civil Rights Litigation

CIS: Environmental Justice/Civil rights

Comparative Constitutional Law

CJ: Crime Victims Litigation Clinic

CJ: National Security Law

CJ: Terrorism and National Security Seminar

Disability Law

Federal Courts

First Amendment Seminar

Immigration Law

Immigration Law Seminar

International Humanitarian Law: War on Terror
International Human Rights Seminar
Law of Global Labor Markets Seminar

Race and the Law Seminar
Remedies
Reproduction and the Law Seminar
Sexual Orientation and Gender Identity Seminar

Criminal Justice

CJ: Advanced Topics: Sentencing or Terrorism
CJ: Collateral Attack on Criminal Convictions Seminar
CJ: Comparative Crim Law/Proc Seminar
CJ: Crime Victims Litigation Clinic
CJ: Criminal Practice Seminar
CJ: Criminal Law II
CJ: Criminal Procedure II

CJ: National Security Law
CJ: Terrorism and National Security Seminar
CJ: Victims in Criminal Procedure
Clinical Internship Seminar—Criminal
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
Lewis & Clark Legal Clinic

Global and International Law

(See guide to the Global Law)

Government Regulation Law (other than Environmental Regulation)

Antitrust Law
Aviation Law
Consumer Law
Energy Law
Immigration Law
Immigration Law Seminar
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
Moot Court: NALSA
Native American Natural Resources

Intellectual Property Law

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

International Law

(See guide to Global Law)

Jurisprudence and Legal History

American Legal History

Comparative Constitutional Law

Conflicts of Law

Constitutional Interpretation/Judicial Review

Constitutional Theory Seminar

Jurisprudence: Advanced Topics Seminar

Jurisprudence and Property Seminar

Lawyers in Society

Legal History

Legal History Seminar

Supreme Court Seminar

Litigation

- Administrative Law
- Advanced Trial Lawyers Seminar
- Alternative Dispute Regulation
- Civil Rights Litigation
- Complex Litigation Seminar
- Conflicts of Law
- CJ: Crime Victims Litigation Clinic
- Environmental Enforcement
- Environmental Litigation Seminar

Evidence

- Family Mediation Seminar
- Federal Courts
- Federal Litigation Practice Seminar
- International Dispute Resolution
- Lewis & Clark Legal Clinic
- Mediation & Negotiation Skills Seminar
- Moot Court: Appellate Advocacy
- Moot Court: Mock Trial
- Oregon Pleading & Practice
- Pacific Environmental Advocacy Center
- Patent Litigation
- Remedies
- Supreme Court Seminar
- 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

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

Evidence

Upper Level

Crim Law II

Victims in Crim. Pro

Specialized

CIS—Criminal

CIS—Environmental

Prosecution

CJ: Advanced Topics:

Sentencing or Terrorism

CJ: Collateral Attack on

Criminal Convictions Seminar

CJ: Comparative Crim

Law/Proc Seminar

CJ: Criminal Practice Seminar

CJ: National Security Law

CJ: Terrorism and National

Security Seminar

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 Seminar

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 Torts Seminar

Wills and Trusts

Basic

Wills & Trusts

Upper Level

Estate & Gift Tax

Specialized

Estate Plan. Sem.
Adv. Tax Seminar