

SUPPLEMENTAL COURSE INFORMATION - Spring 2024

October 18, 2023 - Draft C

LAW 614 1 (R optional)

AMERICAN CONSTITUTIONAL HISTORY

(3 credit hours)

Professor Ross

The interpretation of the U.S. Constitution is intricately intertwined with the history of the nation. Political, social, economic, and cultural events have decisively influenced judicial construction of the Constitution. The decisions of the courts, in turn, have had a vast impact upon the political, social, economic, and cultural development of the United States.

This course will examine the relationship between the historical development of constitutional interpretation and the broader history of the United States. The course will proceed chronologically. The first session will explore the events that led to the adoption and ratification of the Constitution. Subsequent classes will address the following topics: the early history of the Constitution; the influence of the Marshall Court on federalism, separation of powers, judicial power, and property rights; the Taney Court era, with emphasis on the regulatory powers of the states and issues relating to slavery; the impact of the Civil War and Reconstruction; the emergence of social and economic regulatory legislation during the late nineteenth and early twentieth centuries and rise of economic due process; the Progressive era; the impact of the First World War; the Great Depression, the New Deal, and the demise of economic due process; and the emergence of the Supreme Court's modern role as a guardian of non-economic personal liberties, particularly with reference to race and the nationalization of the Bill of Rights in the decisions of the Hughes and Warren Courts.

The textbook is Melvin I Urofsky and Paul Finkelman's *A March of Liberty: A Constitutional History of the United States* (Oxford University Press) (two volumes). These volumes are available for inspection in the Cumberland library and in the instructor's office. These are textbooks rather than casebooks and contain mostly narrative rather than case excerpts. The instructor will distribute a list of other books that he recommends for supplemental reading.

The principal format of the course will be lecture, and voluntary class participation will be encouraged.

An examination will be required. Students will have the option of writing a paper for fifty percent of the grade. Students who elect to write a paper may use, but are not required to use, the paper in fulfillment of their writing requirement.

The instructor will distribute a sample examination.

The instructor will be pleased to answer any questions about the course.

LAW 653

Health Care Transactions

Professor Bogard

This course is designed to provide students with a practical understanding of the legal principles and regulatory frameworks that govern the complex and evolving field of healthcare transactions. Course Objectives include:

- Foundations of Healthcare Law: Explore the fundamental legal principles underpinning healthcare transactions, including healthcare fraud and abuse laws (Anti-kickback Statute, Stark Law and

False Claims Act), HIPAA, certificate of need, licensure, reimbursement and the role of government agencies.

- **Healthcare Transaction Structures:** Examine various transaction structures commonly used in healthcare, such as asset and equity purchase agreements, joint ventures and other business arrangements, with a focus on legal considerations and challenges. The increasing role of private equity in healthcare transactions will also be explored.
- **Contractual Aspects:** As part of this course, students will draft and negotiate various legal documents, including non-disclosure agreements, letters of intent, due diligence requests, professional service agreements and purchase agreements. The goal of this course is to provide students “real world” exposure to healthcare mergers and acquisitions.

Text is “Health Care Transactions Manual: Understanding the Consequences of the Health Care Deal” published by the American Health Law Association

LAW 654R

Law & Religion

(3 Credit Hours)

Professor Smolin

The Law & Religion course primarily focuses on the law’s treatment of religion, but also provides some coverage of some religious views of law and politics. Legal coverage will include an overview of materials related to the Free Exercise and Establishment Clauses of the First Amendment, as well as the background religious assumptions in areas of law such as family law. The Supreme Court has been particularly active in recent years on constitutional issues related to religion, and the course will include coverage of both older and more recent cases in that area. Varied religious views of the state, law, and politics will be presented. We will also plan to cover the role of religious in various social movement, particularly in the United States. As time permits, some comparative materials related to these topics in other nations will be included. This semester’s course will be an “R” course, meaning that the grade will be primarily based on a paper. The paper will meet the school’s writing requirement for those who have not already done so, but students who have already fulfilled the writing requirement are also eligible to take the course. Given the small size of the class, class discussion will be emphasized.

LAW 660 1

Federal Courts-Civil

(3 credit hours)

Judge Newsom

The course will explore the role of the federal courts in the constitutional system of the United States. We will examine federal-court authority vis-à-vis the other branches – Congress and the President – as well as the States and their courts. The class draws – and expands – on concepts from constitutional law, civil procedure, administrative law, and statutory interpretation.

LAW 670**Natural Resources Law****Blake Hudson**

This course explores the tensions between ecological limitations and economic development (market forces, protection of future generations, etc.); the challenges and different types of resource scarcity; and the search for the proper locus of resource management. It also examines the critical role of values in natural resource management choices. The course will emphasize resources particularly important in the southeastern United States which include wildlife and biodiversity, wetlands, water, marine resources, and forests. The course enables the student to explore solutions to complex resource management problems.

LAW 671**Oil and Gas Law****(2 Credit Hours)****Professor Rogers**

This class will provide students with the fundamentals of oil, gas and mineral law. The class will study the history of oil and gas and how that history relates to the development of oil, gas, and mineral law. Students will be exposed to title examination. The class will learn the modern principles of oil and gas conservation law such as fieldwide unitization for the use of enhanced recovery. The class will cover the environmental issues of hydraulic fracturing and offshore drilling. The most current trend relating to fossil fuels is the capture and storage of carbon. A limited number of states, including Alabama, have recently adopted statutes providing for the storage of carbon dioxide utilized in coal fired electric plants to be captured and stored in underground reservoirs. The class will review this new carbon-free approach to energy.

Students will find the class to be a fascinating application of principles learned in basic law classes.

Students often find the course to be an advanced course in property law.

Job opportunities in this field of law include attorneys practicing real estate law or environmental law, title lawyers, corporate attorneys for oil, gas, coal and mineral extraction companies, trust departments dealing with mineral rights, petroleum landmen, and attorneys practicing administrative law before oil and gas conservation agencies and environmental agencies throughout the various oil, gas, coal, and mineral states.

LAW 692**Trademark and Business Torts****(3 Credit Hours)****Professor Vincent****(Email sent 9/26/23, Second Email sent 9/28/23)**

This course will cover the fundamentals of U.S. Trademark Law, the processing for registering a mark with the USPTO; and the nuances of counseling clients about the registration process. Topics covered will include the subject matter, scope and limits of trademark protection; establishing rights in trademarks; types of registrations; creating a strong trademark; and likelihood of confusion. The course will look at strategies for developing, maintaining, and enforcing a valuable trademark portfolio as well as counseling clients on common issues in the application process.

Law 702
Cumberland Innocence Clinic
(4 credit hours)
Professor Davis and Adjunct Professor Leslie Coyne

Apply on 12Twenty by October 17th for the Cumberland Innocence Clinic.

This course focuses on the law and practice of challenging wrongful convictions cases in Alabama, but the Innocence Clinic is as much about working on actual cases as it is about the theory of wrongful convictions. Teams of students will be assigned a potential wrongful conviction case. These cases need review and investigation to determine whether the claim of innocence is factually and legally viable. To the extent possible, students may select case projects based upon your talents and interests. Some of our clinic work will be staggered, so please be flexible. We will be clear with deadlines, but we also expect students to make this work a priority whether we can plan ahead or whether we are taken by surprise. This course is limited to 8 students. Students may repeat this course for 2 credits.

Law 705
Capital Defense Clinic
(4 credit hours)
Adjunct Professor Sammie Shaw

Apply on 12Twenty by October 17th for the Capital Defense Clinic.

This clinical course is embedded at the Jefferson County Public Defender's Office, a state agency that represents indigent defendants in capital and non-capital cases at trial and on direct appeal. Students will assist public defenders on a variety of legal issues facing persons charged with capital murder or already convicted of capital murder. In the Capital Defense Clinic, students will assist the public defenders in a capital case with tasks including research, case management, client and witness interviewing, investigation, hearings, pleas, jury selection, trial, and sentencing. The course has a classroom component of law and procedure and legal writing and a fieldwork component. Students are requested to have no other daytime employment during this clinic. This court is limited to 8 students. Students with a 3L practice card may appear in court. Students may repeat this course for 2 credits.

Law 706 1E
Cumberland Veterans Legal Assistance Clinic (C-VETS)
(4 credit hours)
Adjunct Professor Kevin Patton

Apply on 12Twenty by October 17th for the Cumberland Veterans Legal Assistance Clinic, known as C-VETS.

The C-VETS clinic will teach students to assist veterans and their families in a variety of civil and administrative, litigation and non-litigation matters, including credit and related financial matters, housing, family law including uncontested divorces, expunging criminal convictions, and wills. Students will attend class and under attorney supervision, handle weekly out-of-class casework. The clinic involves client interviews and significant client contact and problem-solving in a wide variety of legal areas. Students will do opening and closing memos, legal research on a wide variety of client problems and draft letters and pleadings. Students with a 3L practice card may appear in court.

Law 707**Criminal Appeals Clinic****(4 credit hours)****Adjunct Professor Joseph T. (“Tim”) Simonetti**

Apply on 12Twenty by October 17th for the Criminal Appeals Clinic.

This clinical course is embedded with the Jefferson County Public Defender’s Office. The clinic combines advanced criminal defense appellate advocacy skills and practical experience with real clients. Students will assist public defenders in representing indigent persons in Alabama’s appellate courts. The clinic will provide classroom instruction on criminal appellate practice, including the review of trial documents, exhibits, and transcripts; development of the facts of the case; evaluation of the issues and research of legal arguments; instruction in the “fact-centered” method of brief-writing; and the presentation of oral arguments. The coursework component requires students to attend a weekly seminar focusing on Alabama criminal appellate substantive and procedural law and practice. Students are requested to have no other daytime employment during this clinic. This course is limited to 8 students. Students with a 3L practice card may appear in court. Students may repeat this course for 2 credits.

LAW 769 1**Advanced Legal Technology****(1 credit hour)****Professor Simms**

This course is designed to be a complementary offering to Technology for the Practice of Law (*not a prerequisite). Although Technology for the Practice of Law is targeted primarily for law students who plan to open a solo practice or to practice in a small firm, Advanced Legal Technology will be useful to students regardless of their practice environment. Advanced Legal Technology builds on the introduction and overview of resources covered in Technology for the Practice of Law and shifts the focus to how those systems actually work in practice. The course will employ a hands-on approach to different practice management software and to several of the new or emerging software systems and technologies that are disrupting the traditional law firm model. Students will be introduced to and use a different vendor offering each week in order to gain an understanding of the range of opportunities within platforms.

Course Objectives:

Students will learn how to navigate through practice management software

Students will learn the advantages and disadvantages of different legal software and technologies

Students will have the resources necessary to make decisions on the purchase, implementation and use of legal software and technology

Students will have an array of tools designed to facilitate the development of a successful legal practice

LAW 798 ALPP - American Law, Procedure, and Practice: A Course for Third Year Law Students**(3 Credit Hours)****Professor Hogewood**

This course provides third year law students the opportunity to review selected areas of substantive law and civil and criminal procedure that are tested heavily on bar exams. Members of the class will study

actual bar review materials on those subjects in the same intensive way in which they will prepare for the actual bar exam. Then they will take practice bar exam exercises on the subjects they have studied. The practice exercises will follow the multiple-choice question format of the Multistate Bar Exam (MBE) and the essay question format of the Multistate Essay Exam (MEE). (Because of time constraints, students in the course will not generally do Model Professional Test (MPT) exercises). Throughout the semester students will self-assess their performance on these exercises, using analyses of and annotations to the exercise which are made available to them (and reporting to me on how they are doing).

There will be a final, graded exam.

But the weekly self-administered, self-assessed exercises will carry a substantial weight in the final grade, with full grades given for good faith submissions on a participatory basis.

Indeed, the skills and knowledge developed in the weekly self-administered, self-assessed participatory exercises should equip students to do well on the final graded test.

More importantly, those exercises, coupled with the review of substantive law preceding the exercises, should equip the student to do well on their state's bar exam.

This is particularly true of those who take the bar exam in a Uniform Bar Exam (UBE) state, such as Alabama, on "general law" as tested on the UBE (rather than state-specific law).

But even for students who plan to take the bar exam in a non-UBE state (such as Florida or Tennessee, which have state-specific essay components but do use the standard MBE multiple choice questions) the course allows them to develop their test taking skills.

Enrollment is restricted to third-year students. The course is especially urged for students who have received lower-level grades in law school – under a 3.0 1L cumulative GPA.

I would be glad to discuss the course with anyone interested.

My office is M10 (in the Mezzanine above the Great Room) and my email is ldhogewo@samford.edu.

LAW 798 02

Cybersecurity

(2 Credit Hours)

Professor Crowder

This course specifically examines global privacy and data security legal doctrines and provides students with an opportunity to perform practical exercises and explore both legal and business issues, mirroring the work performed by privacy and data security attorneys for their clients. Both the law and practical experience that students glean from the course should benefit them no matter what field they enter after law school, given the increasing pervasiveness of privacy and data security issues within the legal, business, and government sectors.

Students will be introduced to the national and international legal frameworks that govern malicious and defensive actions in cyberspace, including laws related to data breaches, data protection and privacy, and civil liberties matters, among other things. The course will include a survey of federal laws, executive orders, regulations, an overview of the developing regulatory environment of the Federal Trade Commission, the SEC and other agencies, and the emerging compliance frameworks for

cybersecurity. The objective of the course is to contextualize cybersecurity threats in the private sector and consider the legal implications arising both pre- and post-breach with respect to, among other things, recovery planning, business continuity, compliance with best practices, and proactive protections within the boundaries of current law. Topics include:

- Cybersecurity threats
- Domestic and international Internet governance
- U.S. and European Union privacy law and personal data protection
- Emerging technologies
- Emerging compliance frameworks for cybersecurity

LEARNING OBJECTIVES:

- Identify key sources of law applicable to a company's practices
- Assess risks to cybersecurity from mismanagement, software insecurities, and vendor protections
- Evaluate proposed changes in the law related to cybersecurity and assess their implications for the industry and civil society

It is anticipated that grades will be based on class participation, assignments, and completion of a 15–20page paper.

LAW 799 CL

Cannabis and the Law

(2 Credit Hours)

Professor Steineker

The cannabis industry in the United States has developed within the context of conflicting federal and state laws. While a number of states and municipalities have adopted laws purporting to legalize or decriminalize various medical or recreational uses for cannabis, cannabis remains illegal as a Schedule I controlled substance in the United States. How can these two things be squared? What does it mean for those wishing to enter the cannabis industry and those not in the industry who nonetheless must increasingly encounter cannabis-related questions. Are there ethical limitations to the extent to which attorneys can advise and/or assist cannabis operators? And what about the recent explosion of hemp and hemp-derived products?

We will examine these questions and others increasingly facing attorneys as cannabis becomes more common in the United States.

LAW 798

Taxation of Business Entities

(3 Credit Hours)

Professor Roberts

This course focuses on the federal income tax consequences of the formation, operation, and termination of United States business enterprises, including partnerships and corporations. Specifically, this course is designed for students to (1) develop a working knowledge of the fundamental federal income tax issues for each type of entity, (2) analyze how federal income tax considerations impact choice-of-entity and other business planning questions, (3) solve basic tax problems in both the partnership and corporate contexts, and (4) discuss the basic policy considerations relevant to the taxation of businesses. Students should consider themselves new associates in a boutique tax law firm specializing in representing small business clients. The class is taught using the problem method.

LAW 798**Veterans Law****(3 Credit Hours)****Professor Carson**

This course is designed to teach students about the federal veterans' benefits system. Applications for these benefits have increased as veterans return home from being decades at war. Students will analyze the statutes and regulations that govern the benefits system, study the administrative agency tasked with applying the law and distributing benefits, and analyze administrative and judicial decisions interpreting laws related to veterans' benefits. Students will gain an appreciation for the impact and application of administrative law as it relates to the nation's second largest cabinet agency, Veterans Affairs.

At the end of this course, students will be able to identify the basic legal principles and rules governing veterans' benefits. Students will be able to analyze complex federal statutes and regulations and understand the relationship between the two. Students will also be able to describe VA's role in interpreting and applying federal statutes and regulations.

LAW 798**Corporate and Partnership Taxation****(3 Credit Hours)****Professor Roberts**

This course will introduce students to the federal income taxation of business entities and their owners, including formation, operations, distributions, and termination for both partnerships and corporations. Specifically, this course is intended to enable students to (1) develop a working knowledge of the fundamental federal income tax issues for each type of entity, (2) analyze how federal income tax considerations impact choice-of-entity and other business planning questions, (3) solve basic tax problems in both the partnership and corporate contexts, and (4) discuss the basic policy considerations relevant to the taxation of businesses.

Prerequisite: Federal Income Taxation I**Law 799****Cumberland Parole Clinic****(3 Credit Hours)****Professor Grondin**

Apply on 12Twenty by October 17th for the Cumberland Parole Clinic.

This course is a legal clinic that will be led by Brandy Grondin, Staff Attorney for Redemption Earned. Redemption Earned is a non-profit formed by Retired Chief Justice Sue Bell Cobb. The mission of the

non-profit is to identify, assist, and represent worthy individuals who have spent decades behind bars, demonstrated they are transformed, and earned parole or work release.

In the clinic, the students will be engaged in representing clients of Redemption Earned who are prisoners seeking parole and/or access to work release. Students will learn the process for parole and will (1) screen clients who seek parole; (2) review records of the Department of Corrections to determine whether a prisoner poses a risk to the public; (3) plan re-entry services for potential parolees; and (4) prepare for and argue parole cases before the Alabama Parole Board.

In addition, students will be assisting Redemption Earned with its WIN Project by removing detainers and holds that are keeping prisoners from entering the work-release program.

LAW 799

Cooney Contracts and Risk Management Clinic

(4 Credit Hours)

Professor Getty

Apply on 12Twenty by October 17th for the Cooney Contracts and Risk Management Clinic (“Cooney Clinic”).

The Cooney Clinic provides the opportunity for Cumberland 2L and 3L students to learn first-hand the legal implications of construction, insurance, and surety contracts. At the outset, the Cooney Clinic will service clients of McGriff Insurance Services, LLC (“McGriff”), part of Truist Insurance Holdings, Inc., and one of the top 10 largest insurance brokers in the world.

In the Cooney Clinic, students will (1) review and analyze insurance, construction and surety contracts; (2) assist in providing risk management and insurance solutions for McGriff’s clients; and (3) analyze legal issues and draft research papers focused on the issues facing the insurance and construction industry.

The Cooney Contracts and Risk Management Clinic is named for Gary Cooney, former Vice Chairman of McGriff, Seibels & Williams, Inc, the predecessor to McGriff. The Clinic is currently directed by Eric Getty, McGriff’s Senior Vice President.

LAW 799

Law and Literature

(2 Credit Hours)

Professor West

This course dives into themes of law **and** literature, as well as relevance of the law **in** literature. Using the format of a post-graduate humanities seminar, we will read and discuss legally themed literature from classical authors such as Dostoyevsky, Dickens, Lee, Hugo, Shakespeare. We will also draw from popular fiction, such as Doyle, Gresham, Wolfe, and Turow. This is the law **and** literature component of the course, in which we look at how the legal system and lawyers are depicted in works of literature. The dramatizations of trial procedure and advocacy in plays by Shakespeare, Middleton, and Christie, among others, forms the basis for work on law **in** literature. This course will involve a fair amount of reading; however, the goal is to discover and exercise a part of your legal DNA derived from story-telling, narrative and theatre. Grading will be based on a 1500 word essay and a group creative project, which serves as the final exam.

LAW 799**Health Law****(2 Credit Hours)****Professor Ransburg-Brown**

The course is designed to provide students with an general overview of several legal principles and their application to the delivery of health care services, including, but not limited to, licensing, the legal aspects of corporate liability and professional liability, medical staff privileges under the Health Care Quality Improvement Act, access to medical care under the Emergency Medical Treatment and Labor Act, informed consent, telemedicine, patients' rights regarding patient privacy and confidentiality under the Health Insurance Portability and Accountability Act, surrogate decision-making, and financial relationships under the Stark Law, the Medicare and Medicaid Patient and Program Protection Act, and other fraud and abuse laws. The course will also address emerging health care issues and the legal ramifications of implementing strategic decisions.

This course includes several assignments throughout the semester to assess students' ability to analyze health care issues, including short writing assignments, CANVAS Discussions, and Podcast reviews along with a final examination.

LAW 799 01**Selected Topics I – Evidence****(2 Credit Hours)****Professor Albin**

This seminar examines the intersection of constructions of race, gender, vulnerable populations, and the rules of evidence and it interrogates whether this interplay impacts achieving the purpose of the rules- to ascertain the truth and secure just verdicts. The topics addressed include impeachment by prior convictions (Rule 609), impeachment by evidence of the victim's prior sexual behavior or sexual predisposition (Rule 412), competency (Rule 601) and historical witness competency rules, prior sexual crimes evidence in sexual assault and child molestation cases (Rules 413-415), eyewitness testimony evidence, and character evidence. Students will critically analyze these evidence rules, constructs, and applicable case law in a collegial and respectful environment. The seminar will provide students with an opportunity to work on their research and writing skills. Each student will be required to write a significant research paper. Completion of the course and paper will satisfy the Upper-Level Writing Requirement. This seminar will also provide students with the opportunity to work on their oral communication skills. The seminar will primarily be discussion focused and requires active engagement and communication.

LAW 799 POL**Election Law****(2 credit hours)****Professor McCurley**

The class is designed to give students a vocabulary and understanding that will enable them to better ensure democracy by evaluating election laws, regulations, public policy, and legal decisions affecting elections.

Students develop a persuasiveness to their arguments about fair elections to assure the “Rule of Law” continues. The class will recommend to a national study commission model law suggestions on the following topics:

1. Voter rights and voting access; 2. Election officials; 3. Voter eligibility and registration; 4. Election security; 5. Election-related communications; 6. Time of voting; 7. Ballot design/candidate inclusion/voting technologies; 8. Ballot-casting processes; 9. Ballot-counting processes; 10. Post-election challenges and contests; and 11. Re-Districting. The class will further analyze state’s voting laws, new national voting acts and Supreme Court cases and resulting implementation. (Book: Alabama Election Handbook, (online) Cases and statutes will be supplied.)