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Vol. 100, No. 4, August 2004

GRADUATE LAW PROGRAMS

J.S.D. Program in International Human Rights Law

Since 1992, the Notre Dame Law School has admitted a small number of students to candidacy for the degree of doctor of juridical science (J.S.D.). This program is designed especially for persons who teach in the field of international human rights law and who seek additional education beyond the LL.M. degree level.

For more information contact:

J.S.D. Program Director
Center for Civil and Human Rights
Notre Dame Law School
135 Law School
Notre Dame, IN 46556
(574) 631-8555
E-mail: cchr@nd.edu

LL.M. Program in International Human Rights Law (Notre Dame Campus)

The Notre Dame Law School initiated a master of laws (LL.M.) program in international human rights law in 1988 in response to a growing worldwide need for education in the field of human rights. The program affords lawyers who come primarily from outside the United States the opportunity to engage in specialized study and research in international human rights law. Program participants undertake an intensive analysis of human rights issues guided by specialists in the field, and develop the skills necessary to practice or teach international human rights law.

The LL.M. program also draws upon the resources of the University's Helen Kellogg Institute for International Studies, the Joan B. Kroc Institute for International Peace Studies, the Department of Political Science and other academic units of the University. The interdisciplinary nature of the program allows students to study not only the legal processes and institutions pertaining to human rights, but also the social, economic and political contexts in which human rights are promoted, protected or violated.

For more information, contact:

Director
Center for Civil and Human Rights
Notre Dame Law School
135 Law School
Notre Dame, IN 46556
(574) 631-8555
E-mail: cchr@nd.edu

LL.M. Program in International and Comparative Law (London Campus)

In 1986, the Notre Dame Law School instituted a master of laws (LL.M.) graduate program in international and comparative law at the Notre Dame London Law Centre in London, England. Designed to build upon the full-year and summer programs for J.D. students in London, this LL.M. program allows both American and non-American students to earn a degree from a U.S. law school while studying in England.

The program is designed for law school graduates from common-law countries who seek advanced training, as well as for law school graduates from civil-law countries who seek training in common-law disciplines or who wish to pursue studies comparing their legal systems with those of the United States and Great Britain.

For more information, contact:

Office of Graduate Admissions
Notre Dame Law School
112 Law School
P.O. Box 959
Notre Dame, IN 46556-0959
(574) 631-6626
E-mail: lawadmit@nd.edu

You may also apply on-line through the Law School's web site at <http://www.law.nd.edu>.

DUAL-DEGREE PROGRAMS

The J.D./M.B.A. Program

In 1970, the Law School and the graduate division of the University's Mendoza College of Business introduced a combined four-year program of study leading to the degrees of juris doctor and master of business administration. Students in this dual-degree program divide their time between the Law School and the Mendoza College of Business, studying the full curriculum of both schools. The reduction by one year of what normally would be a five-year program of study is achieved by allowing certain common courses and some elective courses to count toward both degrees.

The M.B.A. program is under the direction of the graduate division of the Mendoza College of Business. The business curriculum combines an intensive study of basic business disciplines with the decision-making experience of case analysis in a unique enterprise workshop and emphasizes a close working relationship between faculty and students.

Students who wish to participate in the joint J.D./M.B.A. program must be accepted for admission by both the Law School and the graduate division of the Mendoza College of Business. For more information, contact both:

Office of Admissions
Notre Dame Law School
112 Law School
P.O. Box 959
Notre Dame, IN 46556-0959
(574) 631-6626
E-mail: lawadmit@nd.edu

M.B.A. Admissions
276 Mendoza College of Business
P.O. Box 399
Notre Dame, IN 46556-0399
(574) 631-8488
E-mail: mba.1@nd.edu

The J.D./M.A. in English Program

In 1991, the Law School and the Department of English instituted a program that allows J.D. students to earn an M.A. in English. To complete the M.A., students typically take 21 hours of English courses and count nine hours of courses within the J.D. curriculum toward the M.A. degree. Normally, program participants would pursue the nonresearch M.A.; those who opt for the research M.A. must also complete an additional six hours of thesis research.

Since the Law School allows nine hours of electives, program participants may complete nine of the required 21 hours of course work in English during the regular three-year course of study toward the J.D. degree. The other 12 hours may be completed by enrolling in the University's summer sessions, by enrolling for an additional semester after completing the J.D. degree, or by a combination of these two options. Upon admission to the program, the student creates a program of study with the advice of the director of graduate studies in English and the associate dean for academic affairs in the Law School. The program of studies is coordinated by the Graduate School. The program is open only to students already admitted to the Law School. Program participants must be admitted to the program through the procedures of the Graduate School and the Department of English. For more information, contact both:

Office of Admissions
Notre Dame Law School
112 Law School
P.O. Box 959
Notre Dame, IN 46556-0959
(574) 631-6626
E-mail: lawadmit@nd.edu

Office of Graduate Recruitment and Admissions
Graduate School
502 Main Building
Notre Dame, IN 46556-5602
(574) 631-7706
E-mail: gradad.1@nd.edu

The J.D./M.E. in Engineering Program

Students interested in environmental, patent or telecommunications law may apply for a dual-degree program through the Law School and the College of Engineering. Students who wish to participate in the joint J.D./M.E. program must be accepted for admission by both the Law School and the Graduate School's Division of Engineering. For more information, contact both:

Office of Admissions
Notre Dame Law School
112 Law School
P.O. Box 959
Notre Dame, IN 46556-0959
(574) 631-6626
E-mail: lawadmit@nd.edu

Office of Graduate Recruitment and Admissions
Graduate School
502 Main Building
Notre Dame, IN 46556-5602
(574) 631-7706
E-mail: gradad.1@nd.edu

Other Dual-Degree Programs

Where appropriate and with the approval of the departments involved, other dual-degree programs may be fashioned to suit individual interests or needs. Inquiries should be addressed to the particular departments involved.

REQUIREMENTS FOR GRADUATION AND GOOD ACADEMIC STANDING FOR THE J.D. PROGRAM

Graduation Requirements

To graduate from the Notre Dame Law School with the juris doctor degree, students must complete 90 hours of approved courses, must maintain a cumulative grade-point average of 2.0 over six semesters, and must be in residence for six semesters. A semester in residence normally is not fewer than 14 credit hours.

Conferral of the degree is contingent upon successful completion of the prescribed program of instruction. The degree may not be conferred upon any student who has been found guilty of dishonest or dishonorable conduct.

Graduation Honors

<i>Cum Laude</i>	3.400
<i>Magna Cum Laude</i>	3.600
<i>Summa Cum Laude</i>	3.800

The specific requirements for calculating graduation honors are described in the *Hoynes Code*, an administrative code that governs the Law School and may be found on the Law School's home page (<http://www.law.nd.edu>).

Grading and Academic Standing

Grades are divided into letter categories with numerical values as follows:

A	4.000	C+	2.333
A-.....	3.667	C.....	2.000
B+	3.333	C-.....	1.667
B.....	3.000	D	1.000
B-.....	2.667	F	0.000

Individual grade point averages are calculated for use by the student and for internal use by the Law School in determining academic standing and honors. The minimum acceptable grade point average to maintain good academic standing varies with class level. The complete grading policy is distributed to each entering class. A student who fails to maintain the minimum acceptable grade point average will be ineligible to continue into the next semester.

There is no calculation or publication of "ranking" or "class standing." The Law School does, however, publish the mean grade point average for each class level. A student who fails a required course must repeat it and obtain a passing grade. This requirement may be relaxed by the faculty member responsible for the course only if good cause is shown. A student who fails an elective course does not need to repeat the course; however, the student earns no credit toward graduation for any failed course.

Grade Reports

Beginning with final grades for the fall 2003 semester, the Office of the Registrar will no longer mail a paper copy of grades unless a copy is requested. Grade information is available to students on IrishLink (a secure Web-based service). The Printed Grade Report Request form is available from the Office of the Registrar Web site.

Cocurricular Courses

Some courses offered are identified as cocurricular. For a complete statement on the policies relevant to cocurricular course work, students should consult the current edition of the *Hoynes Code*.

Course Requirements

Generally, grades are based on a final examination alone. At the discretion of the faculty member responsible for a particular course, multiple examinations, a term paper or term project may be required in lieu of or in addition to a final examination. To be eligible to take an examination in a particular class, students must attend classes regularly and punctually, and must participate in class to the satisfaction of the faculty member responsible for a particular course.

Examinations are not proctored, but rather, are written on the honor system. Under the Notre Dame Law School Honor Code, every student who enters the Law School is bound neither to give nor to receive unauthorized aid in any examination.

To ensure impartiality, written examinations are taken anonymously, identified only by an examination number selected by the student prior to taking the examination.

All examination papers and written assignments are read and graded personally by the member of the faculty responsible for a particular course.

Change of Regulations

The Law School and the University reserve the right at any time to change any regulation pertaining to admission to, continued enrollment in, or graduation from the Law School. All law students are bound by University regulations contained in *du Lac: A Guide to Student Life*, published and distributed to all students each fall. Law students must also conform to additional regulations listed in the *Hoynes Code*, an up-to-date copy of which is maintained in the Kresge Law Library.

TUITION AND FEES

Tuition

The tuition for the 2004–05 academic year is approximately \$29,740.

Miscellaneous Fees

Technology and student activity fees amount to approximately \$400 annually for all law students. In addition, students may be charged a small additional fee for printed matter related to preparation for the study of law. There is no charge for transcripts.

Payment

Tuition and fees must be paid prior to the beginning of the semester. Checks should be made payable to the University of Notre Dame and sent to:

Office of Student Accounts
 University of Notre Dame
 100 Main Building
 Notre Dame, IN 46556-5602

Change of Fees

Tuition and fees may be changed at any time without prior notice, and new charges may be added without prior notice.

WITHDRAWAL REGULATIONS

Any law student who at any time within the school year wishes to withdraw from the University should contact the Office of the Registrar. To avoid failure in all classes for the semester and in order to receive any financial adjustment, the withdrawing student must obtain the appropriate clearance from the Dean of the Law School and from the Assistant Vice President for Residence Life.

On the first day of classes, a full tuition credit will be made. Following the first day of classes, the tuition fee is subject to a prorated adjustment/credit if the student (1) withdraws voluntarily for any reason on or before the last day for course discontinuance at the University, or (2) is suspended, dismissed or involuntarily withdrawn by the University, for any reason, on or before the last day for course discontinuance at the University, or (3) is later obliged to withdraw because of protracted illness, or (4) withdraws involuntarily at any time because of military service, provided that no credit is received for the classes from which the student is forced to withdraw.

Upon return of the student forced to withdraw for military service, the University will allow that student credit for the portion of tuition charged for the semester in which the student withdrew and did not receive academic credit.

Room and board charges will be adjusted/credited on a prorated basis throughout the entire semester.

Students receiving University and/or federal Title IV financial assistance who withdraw from the University within the first sixty percent (60%) of the semester are not entitled to the use or benefit of University and/or federal Title IV funds beyond their withdrawal date. Such funds shall be returned promptly to the entity that issued them, on a pro rata basis, and will be reflected on the student's University account.

This Withdrawal Regulation may change subject to federal regulations. Examples of the application of the tuition credit calculation are available from the Office of Student Accounts upon request.

CURRICULUM

First Year

The first-year curriculum is required and demanding. It covers the fundamentals of law using primarily the case method. Course and semester-hour requirements are as follows.

<i>First Semester</i>	<i>Credits</i>
Civil Procedure	2
Contracts I	3
Criminal Law	3
Legal Research I	1
Legal Writing I	2
Torts	4

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<i>Second Semester</i>	<i>Credits</i>
Civil Procedure II	3
Contracts II	2
Constitutional Law	3
Ethics I	1
Legal Research and Writing II (Moot Court)	2
Property	4

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Second and Third Years

The following courses must be completed prior to graduation.

<i>Required Courses</i>	<i>Credits</i>
Business Associations	4
Ethics II, Clinical Ethics or Legal Externship Ethics	1
Federal Income Taxation	4
Jurisprudence	3
	<hr style="width: 20%; margin-left: auto; margin-right: 0;"/>
	12

Students who entered in the fall of 2003 and thereafter must also complete the Upper Level Writing Requirement before enrolling for their final semester.

LAW SCHOOL COURSES

Numerical List of Law Courses

This numerical list of courses indicates the courses that have been offered by the Law School in recent years. Individual courses may or may not be offered in a particular semester or academic year at the discretion of the Law School administration.

501A	Torts	601C	Not-For-Profit Organizations
503	Contracts I	602	Secured Transactions
504A	Contracts II	602D	Securitization Seminar
505A	Urban Property Law	603A	Constitutional Law
505B	Property	603B	Death Penalty
507A	Criminal Law	603C	Constitutional Law II
508B	Constitutional Criminal Procedure	603E	Constitutionalism in Emerging Nations
509	Civil Procedure I	603F	Election Law
510	Civil Procedure II	604	Evidence
511	Ethics I	604A	Criminal and Scientific Evidence
512	Legal Research I	605	Federal Income Taxation
513	Legal Research and Writing II (Moot Court)	605B	Estate and Gift Taxation
514	Legal Writing I	606A	Jurisprudence
515	Ethics II	606D	Jurisprudence
549	International Criminal Law	606E	Jurisprudence
549A	International Criminal Justice	606F	Advanced Jurisprudence
549B	Criminal Justice Policy—Restorative Justice	608	Trusts and Estates
549C	Legal Responses to Terrorism	609	Federal Courts
581	Professional Responsibility	609A	Federal Courts—Contemporary Problems in Practice and Policy
585	Judicial Process Seminar	609C	Appellate Review of Trial Court Discretion
590	NOTRE DAME LAW REVIEW (cocurricular)	610	Administrative Law
591	Legal Aid (cocurricular)	611	Labor and Employment Law
591A	Legal Aid I & Ethics	611B	International and Comparative Labor Law
591B	Legal Aid II	611C	Advanced Topics in Labor Law
591C	Clinical Ethics I	613A	Poverty Law Topics
591E	Legal Aid Immigration Clinic I	614	Taxation of Business Enterprises
591F	Legal Aid Immigration Clinic II	615A	Directed Readings
591I	Legal Aid Immigration Clinic (cocurricular)	615B	Directed Readings
591J	Asylum Clinic (cocurricular)	615C	Advanced Legal Research
592	Legal Externship (summer only; cocurricular)	615X	Legal Writing Teaching Seminar (cocurricular)
592A	Legal Externship—Public Defender (cocurricular)	616	Family Law
592B	Legal Externship—Public Defender—Ethics	616A	Juvenile Law
592C	Legal Externship—Public Defender (cocurricular)	616B	Comparative Family Law
592D	Legal Externship—Prosecutor (cocurricular)	618	Conflict of Laws
593	JOURNAL OF LEGISLATION (cocurricular)	620	Comparative Constitutional Law
594	Moot Court—Appellate (cocurricular)	620A	Comparative Legal Traditions
595	Moot Court—International (cocurricular)	622	Pleading, Discovery and Pretrial
596	Moot Court—Trial (cocurricular)	623	GALILEE (Group Alternative Live-in Legal Education Experience) (cocurricular)
597	JOURNAL OF COLLEGE AND UNIVERSITY LAW (cocurricular)	625	Antitrust Law
598	NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY (cocurricular)	625F	Asylum Law
601	Business Associations	626	Securities Regulation
601B	Corporate Finance	626A	Securities Enforcement Seminar
		627	Business Planning
		627A	Business Torts
		628A	Federal Criminal Law
		628B	Federal Criminal Procedure
		629C	Sports Law
		630	Admiralty Law
		631A	Environmental Law

- 631B Energy Law
- 631C Minerals Law
- 631D Water Law
- 631E Agricultural Law
- 631F Housing Law
- 631G Land Use Control Law
- 631H Public Lands Law
- 631I Biodiversity and the Law
- 633 International Law
- 633A Current Issues in International Law
- 663A Law and Economics
- 633B International Legal Process
- 663B Economics and Environmental Justice
- 633C Accountability for Gross Violations of Human Rights
- 633D International Law in the U.S. Legal System
- 634 LL.M. Thesis
- 634A Human Rights Honors Paper
- 635 Law and Literature
- 636B Constitutional Theory
- 637A International Environmental Law
- 638C Law of Medical Malpractice
- 638D Ethics and Law at the End of Life
- 638E Ethics and Law at the Beginning of Life
- 639A Accounting for Lawyers
- 639B Accounting Law Seminar
- 640 Copyright and Trademark
- 640A Trade Regulation/Intellectual Property
- 640B Cyberlaw
- 640C Copyright and the Constitution
- 640H Law of International Trade
- 641 Real Estate Transactions
- 642 Land Use Planning
- 642A Environmental Law
- 642C Environmental Law—Transactional Lawyer
- 642D Pollution Law
- 643 Comparative Law
- 644A Social, Political and Legal Thought of Thomas Aquinas
- 644B Catholic Social Thought
- 644C Social Political and Legal Thought of Shakespeare
- 645 Patent Law
- 646B Payment Systems
- 647 Street Law (cocurricular)
- 648 Law and Religion
- 648A Law and Religion Seminar
- 648B Religious Freedoms
- 648E Morality and the Law
- 650 Legislation Research
- 650B Statutory Interpretation
- 652A Immigration Law
- 652E Elderlaw Seminar
- 652F Asylum Law
- 653 White Scholar Program
- 655 Equitable Remedies
- 655A Remedies
- 656 American Legal History
- 656A Constitutional Convention
- 656B American Legal History Topics
- 658A Complex Civil Litigation
- 660 Mercy and Justice
- 661 Commercial Law—Sales
- 662 First Amendment
- 662A First Amendment—Selected Topics
- 662B Civil Rights
- 662D Civil Rights Litigation
- 671 International Human Rights
- 671A Regional Human Rights Protection
- 672C Local Government Law
- 673A Complex Criminal Litigation
- 673B Federal Criminal Practice
- 674A Gender Issues and the Law
- 677 Bankruptcy, Creditors' Remedies and Debtors' Protections
- 677A Corporate Reorganization
- 678A Deposition Skills
- 679 Negotiation
- 679A Dispute Resolution
- 679B Dispute Resolution
- 679I International Commercial Arbitration
- 680A Insurance Law
- 680B Consumer Law
- 683 Advanced Constitutional Law
- 684A International Business Transactions
- 684C International Taxation
- 685 Employment Discrimination Law
- 685A Employee Benefits Law
- 686 Law and Poverty
- 687A Canon Law of Marriage
- 687B Introduction to Canon Law
- 688 Medieval Legal History
- 689 Law of Education
- 691 International Organizations
- 693 Law of the Disabled
- 694A Universal Protection of Human Rights
- 694B International Humanitarian Law
- 695 Trial Advocacy Comprehensive
- 695B Criminal Trial Advocacy
- 695C Criminal Trial Advocacy
- 696 Introduction to International Human Rights
- 696A Human Rights Practice
- 696B International Humanitarian Law
- 697 Ethics of Human Rights
- 699 J.S.D. Dissertation
- 700 J.S.D. Nonresident Dissertation
- 701A J.S.D. Seminar

COURSE DESCRIPTIONS FOR THE 2004–2005 ACADEMIC YEAR

This alphabetical list of course descriptions consists of courses that the Law School plans to offer during the 2004–05 academic year. The Law School administration reserves the right to alter the course offerings to meet faculty interest, student interest and the administrative needs of the Law School.

Lecture hours per week, laboratory and/or tutorial hours per week, and credits each semester are in parentheses.

Instructors listed for each course are accurate at the time this catalog was published. Instructors may change to meet the needs of the faculty and administration.

Accountability for Gross Violations of Human Rights [633C]

(V-0-V) Meintjes

Compares the approaches followed in different countries to deal responsibly with past violations of human rights, in order to assess the benefits and shortcomings of each. Draws upon selected readings as well as upon the individual experiences of course participants. Examines the various means of establishing accountability, including “lustration” laws, truth commissions, and national and international prosecutions. Also considers the influence of obstacles such as political instability, amnesty laws, statutes of limitations, and claims of superior orders.

Accounting for Lawyers [639A]

(3-0-3) M. Barrett

Highlights the importance of issues involving accounting to the practice of law. To practice law effectively, every lawyer should understand certain fundamentals about accounting and financial statements. Topics include: the bookkeeping process; the basic financial statements; the evolving nature of generally accepted accounting principles; audit reports and accountants’ legal liability; the time value of money; financial statement analysis and financial ratios; drafting and negotiating agreements and legal documents containing accounting terminology and concepts; responses to an auditor’s request for information about legal contingencies and related discovery issues; and cost allocation issues. Designed for students who have little or no accounting background as an aid to the study of Business Associations, Federal Taxation, Business Planning and other courses.

Enrollment: limited to students who have not earned more than six semester hours of college credit or the equivalent in accounting courses

Administrative Law [610]

(3-0-3) Kelley/Rodes

Studies the powers and procedures of administrative agencies including: the operation of the Administrative Procedure Act; the functioning of the administrative process at the federal and state levels; and the methods and extent of judicial control over agency action.

Admiralty Law [630]

(2-0-2) McLean

Inquires into jurisdiction and substantive principles in the area of maritime law. Investigates the existing and developing law of the sea.

Advanced Topics in Labor Law [611C]

(2-0-2) Fick

Provides an introduction to various federal labor statutes such as the Fair Labor Standards Act, the Occupational Safety and Health Act, and ERISA, as well as more in-depth discussion of certain aspects of the National Labor Relations Act and Title VII that are not covered in basic labor-law courses. Also examines state statutory and common law such as unemployment insurance, workers’ compensation and privacy at work. The specific topics covered will be determined considering the interests of the students enrolled in the course.

Prerequisite: Labor and Employment Law (LAW 611) or Employment Discrimination Law (LAW 685)

Advanced Legal Research [615C]

(1-0-1) Rees

Examines the statutory and administrative law processes and how to perform legal research using the materials that are produced by the government. Research using printed and online sources will be considered along with the factors to consider when deciding whether to search in print or online.

- Agricultural Law** [631E]
(1.5-0-1.5) Kellenberg
Considers various aspects of the law of land, natural resources, energy, and the environment as they relate to the provision of food.
- American Legal History Topics** [656B]
(2-0-2) Pratt
Examines the Supreme Court under Chief Justice Earl Warren, 1953–1969, with a goal of understanding the Court in its own times. Studies the actions of the Court in chronological order, beginning with the controversy over Warren’s appointment and concluding with the debate about his successor. One class each week will be devoted to a discussion of major events in the public life of the nation, based on surveys of newspapers and magazines from the period. The other class will be devoted to a discussion of a significant decision by the Warren Court, paying particular attention to trying to understand how the contemporaneous events shaped the decision.
- Antitrust Law** [625]
(3-0-3) Bauer
Surveys the legal and economic principles and policies developed by the courts in applying the major federal antitrust laws including the Sherman, Clayton and Federal Trade Commission Acts.
- Asylum Clinic** [591J]
(2-0-2) Szweda
Students who have completed LAW 591F (Immigration Clinic II) have the opportunity to prepare and defend asylum petitions at hearings held before asylum officers or the Immigration Court. The emphasis is on refining litigation skills.
Prerequisite: Immigration Clinic I and II (Law 591E and 591F)
Enrollment: limited to four students, with permission of the instructor.
- Asylum Law** [652F]
(2-0-2) Szweda
Provides an overview of U.S. substantive law of asylum, withholding of deportation and the Convention Against Torture, including an interpretation of the standards of proof and the various components of the definition of “refugee.” Includes a study of the procedures both affirmative and defensive used while interacting with asylees in the preparation of their cases.
- Bankruptcy** [677]
(3-0-3) Edgar
Studies the state and federal laws related to insolvencies, with emphasis on the federal bankruptcy act. Focuses on substantive changes that bankruptcy law makes in the legal relationship between the debtor, the creditors and third parties affected by a bankruptcy case. Explores the different treatment between individuals and artificial legal entities such as corporations. Does not cover the procedural rules of bankruptcy, but rather concentrates on how bankruptcy law affects potential clients in a large number of legal areas including real estate, commercial and business law, torts, family law, environmental law and intellectual property. Also briefly addresses state debtor-creditor laws.
- Business Associations** [601]
(4-0-4) L. Casey/Velasco
Examines agency law and the basic forms of business organizations including sole proprietorships, partnerships, limited partnerships, limited liability companies, and limited liability partnerships and corporations. Underlying themes include formation, capitalization, operation, fiduciary duties and dissolution.
- Business Torts** [627A]
(2-0-2) Peralta
Addresses a form of commercial litigation that has become popular in federal and state courts. Covers commercial defamation, trade libel, deceptive advertising and fraudulent transfers. Also analyzes enforcement of and defense against Uniform Trade Secrets Act claims, claims concerning employment covenants-not-to-compete and covenants-not-to-compete ancillary to the sale of a business.
- Canon Law of Marriage** [687A]
(3-0-3) Coughlin
Studies the principal canons on matrimony of the 1983 Code of Canon Law in their historical and doctrinal contexts. Topics covered include: the canonical definition of marriage and its ends and properties; canonical preparation for marriage; the requirement of faith; the nature of consent; impediments; mixed marriage; dissolution of the bond; separation; convalidation; and sanation. Includes an examination of the procedural canons pertinent to matrimonial cases, and of jurisprudence regarding *capita nullitatis* (grounds for nullity) of particular relevance to practitioners in church courts.

Catholic Social Thought [644B]

(3-0-3) Rougeau

Introduces students to the major documents that comprise the Catholic Church's social teachings. The documents will serve as a basis for a broader discussion of whether the social teaching has anything relevant to say about current trends in American law. Considers: whether lawyers of faith are obliged to move the law in a direction that comports with their core religious values and how that can be done in a pluralistic society; whether Catholic social teaching offers ideas and values that might find broad-based acceptance; and what happens if a lawyer determines that the profession and/or the society are hostile to the values presented in the social teaching.

Civil Procedure I [509]

(2-0-2) Bauer/Tidmarsh

Focuses on the constitutional and statutory framework within which the civil justice system operates. In particular, examines the sources and limitations of judicial power over people and organizations (personal jurisdiction) and over cases (subject matter jurisdiction). Also explores the extent to which state law must be applied in federal court. Topics addressed more briefly include venue, transfer, *forum non conveniens* and removal.

Civil Procedure II [510]

(3-0-3) A. Barrett/Tidmarsh

Examines how litigation is conducted in federal courts, from the initiation of the lawsuit (pleadings) to the manner in which claims and parties are added to or dropped from the lawsuit (joinder, intervention, interpleader, class actions), to the exchange of information among parties to the lawsuit (discovery), to the resolution of the lawsuit (summary judgment, trial, appeals), to the impact of the completed lawsuit on future litigation (claim and issue preclusion). If time allows, also examines alternatives to litigation including settlement and alternative dispute resolution.

Commercial Law—Sales [661]

(3-0-3) L. Casey

Sales is one of three courses in the basic commercial law curriculum. Building upon principles and themes of contract law taught during the first year of law school, Sales covers in greater depth the law concerning transactions in goods. Specifically, the course surveys UCC Articles 2 and 2A. Course topics include contract formation, warranties, risk of loss, breach and remedies, as well as the developing law governing sales in the e-commerce world.

Comparative Constitutional Law [620]

(3-0-3) Kommers

Studies the laws of the United States and Germany, the world's paradigmatic examples of diffuse and concentrated judicial review. Germany's federal Constitutional Court like the German Constitution (i.e., the Basic Law) has replaced the U.S. Supreme Court and the American Constitution as the leading model of constitutional governance around the globe. Contrasts Germany's jurisprudence with the decisions and opinions of the U.S. Supreme Court. Examines the decisions in depth of the institutional features of the two tribunals, especially the controversial areas of modern governance, namely, abortion, the death penalty, freedom of speech (defamation, hate speech and pornography), church-state relations and free exercise of religion, party finance and political representation, race and sex discrimination, and selected socioeconomic rights.

Comparative Legal Traditions [620A]

(3-0-3) Carozza

Introduces students to the comparative study of law through an examination of the basic features of the civil law (or Romano-Germanic legal tradition) of Continental Western Europe. Surveys: the principal legal institutions, their actors and their roles; sources of law; procedures; and methods of legal reasoning and analysis characteristic of the legal systems of France, Germany and Italy, including European-wide law, institutions of the European Union and the European human rights system. Concludes with case studies of selected substantive legal norms in those legal systems as well as with comparisons to United States law.

Conflict of Laws [618]

(3-0-3) Ripple

Studies the problems inherent in multi-state legal transactions or litigation. Studies and explores the interrelationship between jurisdiction, the recognition and enforcement of foreign judgments and choice of law methodology. In particular, emphasizes modern choice-of-law approaches.

Constitutional Convention [656A]

(2-0-2) Pratt

Examines the events surrounding the U.S. Constitutional Convention of 1787, through reading Madison's notes on the convention debates. Students who enroll are expected to participate in discussions and to write a paper on one of the delegates to the Convention.

Constitutional Criminal Procedure [508B]

(3-0-3) R. Garnett

Examines the manner in which, and the extent to which, the U.S. Constitution—particularly the Fourth, Fifth and Sixth Amendments—regulates the investigation and prosecution of crime. Topics include the incorporation of the Bill of Rights, search and seizure, interrogation, the right to counsel, pre-trial procedure, trial-by-jury and double jeopardy. Although no longer required for graduation, this course is recommended for students interested in advanced study and/or practice in the criminal-law field. While not a formal prerequisite, the course is highly recommended for students interested in enrolling in Federal Criminal Law (LAW 628A), Criminal and Scientific Evidence (LAW 604A) or Complex Criminal Litigation (LAW 673A).

Constitutional Law [603A]

(3-0-3) P. Bellia/Kelley

Examines the structure of our government as defined by the federal Constitution, Supreme Court precedents interpreting that document and the traditional practice of the elected branches. Focuses on the distribution of power among the three branches of the federal government, and the division of power between the federal government and the states.

Constitutional Law II [603C]

(3-0-3) Kelley

Covers issues relating to individual rights not covered in the first-year Constitutional Law course.

Contracts I and II [503 and 504A]

(3-0-3) (2-0-2) A. Bellia/Kaveny/Rougeau

Presents a comprehensive study of the creation, transfer and termination of contract rights and duties.

Copyright and Trademark [640]

(3-0-3) Bauer

Surveys several bodies of law, both federal and state (other than antitrust), that proscribe forms of unfair competition. Focuses on: trademark (the Lanham Act); copyright; trade secrets; misappropriation; rights of privacy and publicity; and federal preemption.

Corporate Finance [601B]

(2-0-2) Velasco

This course examines financial theories and legal doctrines relating to the publicly held corporation including problems of valuation, financing options, capital structure, and dividend policy.

Corporate Reorganization [677A]

(2-0-2) Murray

Studies in depth the law of business reorganizations under Chapter 11 of the Bankruptcy Code. Focuses on the steps that must be taken to resurrect a distressed business under Chapter 11, including: the decision to file a Chapter 11 case; the initial steps of staying proceedings against the debtor; finding cash with which to operate; the actual turnaround of the business; the adjudication of claims by and against the estate; the restructuring of the estate's capital structure; the confirmation of a restructuring plan; and the issues that arise after the consummation of the bankruptcy.

**Criminal Justice Policy—
Restorative Justice [549B]**

(2-0-2) Schmid

Briefly surveys criminal justice policy in the 19th and 20th centuries. Focuses on the advent in the 1990s of restorative justice as a new paradigm in criminal justice policy. Restorative justice has been hailed for giving crime victims a powerful voice, for rebuilding communities, for emphasizing offender accountability and for more effectively reintegrating offenders into society. The course will examine restorative justice programs in New Zealand (family group conference), Australia (reintegrative shaming), Europe, the United States and Canada (sentencing circles). The course will also examine the controversial “Broken Windows” theory as well as other recent criminal justice innovations.

Criminal Law [507A]

(3-0-3) Dutile/R. Garnett/Gurulé

Deals with the basic principles of American criminal law such as the definition of crime, defenses, proof and punishment, and the basic structure and operation of the American criminal justice system.

Cyberlaw [640B]

(3-0-3) P. Bellia

Focuses on fundamental questions about how, if at all, existing legal rules should apply to new technologies. Explores various legal and policy problems that arise in cyberspace including: issues of sovereignty and jurisdiction; legal and technological regulation of on line speech; issues of privacy, anonymity and accountability; computer crime; and ownership and protection of intellectual property in digital form.

Deposition Skills [678A]

(3-0-3) K. Gallagher/Gozdecki/Seckinger/Sullivan
Studies the skills, techniques, tactics, strategies and ethical considerations of witness preparation for depositions and the taking and defending of depositions under federal and state rules of civil procedure. Meets twice a week: One meeting consists of a 60-minute lecture, demonstration and discussion of the analytical framework for the preparation, taking and defending of depositions; the other meeting consists of a 75-minute learning-by-doing laboratory session. Each laboratory session will be videotaped, with each student receiving an individual videotape.

Directed Readings [615A and 615B]

(V-0-V) Faculty
Allows independent research under the supervision of one faculty member.

Dispute Resolutions [679A]

(3-0-3) Fick
Considers the theory and procedure of different methods for resolving disputes, with an emphasis on negotiation, mediation and arbitration. Consists of readings, analysis of disputes (both real and hypothetical) and methods for resolving them, and simulated problems.

Election Law [603F]

(2-0-2) Nagle
Explores the election law issues that have become so popular a topic since the 2000 presidential election. Considers the structure of elections, including voting rights and redistricting and the ways in which disputed elections are resolved by state and local election boards, federal and state courts, special commissions, the legislature, or by conducting a new vote. Also considers the legal issues raised by the existence of the lame-duck period that follows the resolution of an election and that precedes the inauguration of the newly elected officials. The course will require the completion of a seminar paper as well as active participation in class discussions.

Employee Benefits Law [685A]

(2-0-2) DeJong
Studies the key sources of law and policy issues relating to employer-sponsored retirement and welfare-benefits plans, including primarily the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974 and case law. Gives special attention to employee-benefits issues arising from the Enron bankruptcy, the treatment of employee benefits in major corporate transactions and ethical issues arising in the practice of employee-benefits law.

Employment Discrimination Law [685]

(3-0-3) Fick
Studies the substantive and procedural aspects of federal legislation dealing with employment discrimination, including Title VII of the Civil Rights Act of 1964, the Reconstruction Era Civil Rights Acts, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

Energy Law [631B]

(1.5-0-1.5) Kellenberg
Considers the laws affecting such energy resources as water, coal, oil, natural gas, uranium, electricity, the sun, wind, and geothermal steam.

Environmental Law [631A]

(1.5-0-1.5) Kellenberg
Considers environmental law and policy, with particular emphasis on the Clean Air Act, the Clean Water Act, CERCLA, NEPA, FIFRA, TSCA and RCRA.

Environmental Law [642A]

(3-0-3) Nagle/Pearson
Surveys federal environmental law, concentrating on the Clean Air Act, the Clean Water Act, CERCLA, NEPA, environmental justice and questions of solid and toxic waste disposal.

Estate and Gift Taxation [605B]

(3-0-3) Kirsch
Examines the federal wealth transfer tax system. Focuses on the estate and gift taxes that apply to transfers of property during life or at death. Also considers common estate-planning techniques used to minimize these taxes, such as bypass trusts, life insurance and inter-spousal transfers.

Ethics I [511]

(1-0-1) Coughlin
Studies and analyzes law as a profession, as well as the duties and responsibilities of lawyers to society, clients, and the profession. Develops in prospective lawyers an awareness and an understanding of their relationship with and function in our legal system, and the consequent obligation of lawyers to maintain the highest standards of ethical and professional conduct.

Ethics II [515]

(1-0-1) Rodes

Applies the principles of ethics to practical legal problems and situations.

Evidence [604]

(4-0-4) A. Barrett/Smithburn

Studies the legal principles governing the proof process in judicial proceedings, with an introduction to techniques of presentation. Analyzes common-law and federal rules of evidence.

Federal Courts [609]

(3-0-3) A. Bellia

Focuses on the federalism issues created by the existence of dual state- and federal-court systems. Topics covered include: constitutional and statutory limits on the jurisdiction of the federal courts; appellate and collateral review of state-court judgments; and federal common-law rulemaking.

Federal Criminal Practice [673B]

(2-0-2) Gallo

Taught by a former federal prosecutor and present white-collar defense attorney, focuses on strategic thinking in federal criminal litigation, as well as topical issues facing federal-criminal practitioners today. In particular, the course focuses on critical substantive issues in federal criminal law. The course further analyzes the chronology of complicated federal-criminal investigations beginning with issues relating to the start of investigations by federal authorities, continuing with grand-jury proceedings and indictment, and finishing with strategic issues relating trial and sentencing. With regard to these stages, the instructor will present issues that the government, corporate counsel, and criminal-defense counsel face, such as the propriety of various undercover techniques, decisions regarding joint representation of targets and relating to joint-defense agreements, and strategies regarding plea negotiations.

Federal Income Taxation [605]

(4-0-4) M. Barrett/Kirsch

Functionally introduces basic concepts of federal income taxation including: gross income; exemptions; allowable deductions and credits; accounting methods; capital gains and losses; and certain nonrecognition transactions.

First Amendment [662]

(3-0-3) R. Garnett

This course covers various aspects of the First Amendment with a particular emphasis on freedom of expression and the questions of church and state. Regarding expression, the subjects will include advocacy of unlawful conduct, commercial speech, obscenity and pornography, offensive speech, symbolic expression, restrictions on speech in schools and colleges, protest in public places, the regulation of electronic media such as the Internet, and more. The course will further examine Free Exercise and Establishment Clause issues such as tuition vouchers, school prayer, evolution in the schools, holiday religious displays, government duties to accommodate religion, etc.

GALILEE (Group Alternative Live-in Legal Education Experience) (cocurricular) [623]

(V-V-1) Phelps

Provides students with the opportunity to live for a few days in the inner city (Chicago, New York, Los Angeles and other cities) to learn the legal needs of the urban poor, and to observe the ways in which these needs presently are met. As a result, students develop ways to incorporate their religious and ethical value systems into their future practice of law.

Gender Issues and the Law [674A]

(3-0-3) Phelps

Focuses on those legal situations in which gender is an issue before the court. Topics covered include the workplace, equal protection, criminal law, the First Amendment (freedoms of speech and association) and education. Focuses on case analysis as well as on other documents that comprise the cases such as testimony transcripts and briefs. Students will read articles written from various jurisprudential perspectives.

Housing Law [631F]

(1.5-0-1.5) Kellenberg

Considers the laws relating to the provision of shelter, as well as matters such as rehabilitation and preservation, redevelopment and growth management by communities.

Human Rights Honors Paper [634A]

(0-0-1) Meintjes

This elective is available to participants in the human rights LL.M. program who wish to undertake an extended writing assignment within the framework of a particular course and with the permission and supervision of its instructor. If chosen, this assignment may be substituted for the program's independent research requirement.

Enrollment: limited to participants in the human rights LL.M. program

Human Rights Practice [696A]

(3-0-3) Meintjes

Examines the practice of human rights reporting and monitoring including the methods used in fact-finding, the use of statistics, and the evolution of evidentiary rules and standards. Carefully considers the ethical issues of professional responsibility and confidentiality. This course is required of, but not limited to, the participants in the human rights LL.M. program.

Immigration Law [652A]

(3-0-3) Szweda

Surveys the law and practice under the Immigration and Nationality Act, as amended (Title 8, U.S. Code). Covers questions of immigration, removal proceedings, asylum and naturalization and the federal sources of that power. Procedural issues focus on practice before the Immigration and Naturalization Service, the Department of Labor, the Department of State and federal courts.

Recommended pre- or corequisites: Administrative Law (LAW 610) Constitutional Law (LAW 603 or LAW 603A)

International and Comparative Labor Law [611B]

(2-0-2) Fick

Examines the structure and operation of the International Labour Organization, a specialized agency of the United Nations system charged with promulgating and enforcing international labor standards. Places particular focus on the content and interpretation of ILO conventions 87, 98 and 111. Includes a comparative examination of the labor-law systems of two countries, with an analysis of whether those systems comply with the relevant ILO conventions.

International Law [633]

(3-0-3) Davis

Introduces the international legal system and its lawmaking process. Begins by discussing the means by which state and non-state actors develop norms governing transnational conduct such as the sources of international law. Also includes a discussion of international legal personality including the concept of states and state sovereignty; the law of international obligations; jurisdiction; dispute settlement; and enforcement. A special section will be devoted to the relationship of international and municipal law in the United States and selected other countries. Intended for those students with no prior study in international law.

Introduction to International Human Rights Research [696]

(1-0-1) Meintjes

Introduces participants to the resources available within the University to aid research in the field of human rights. Also provides ideas and suggestions for the choice of research topics, methods and writing styles.

Enrollment: required of, and limited to, participants in the human rights LL.M. program

JOURNAL OF COLLEGE AND UNIVERSITY LAW (cocurricular) [597]

(V-0-V) Hoye/Robinson

Student staff members may earn academic credit by researching, writing or editing material for publication in the JOURNAL OF COLLEGE AND UNIVERSITY LAW.

JOURNAL OF LEGISLATION (cocurricular) [593]

(V-0-V) Nagle

Student staff members may earn academic credit by researching, writing or editing material for publication in the JOURNAL OF LEGISLATION.

J.S.D. Dissertation [699]

(0-0-V) CCHR Faculty

Enrollment: limited to students in the J.S.D. program in international human rights law.

J.S.D. Nonresident Dissertation [700]
(0-0-1) CCHR Faculty

Enrollment: limited to students in the J.S.D. program in international human rights law.

J.S.D. Seminar [701A]
(1-0-1) TBA

Seminar devoted to the work of J.S.D. students engaged in the writing of their dissertations.

Enrollment: limited to students in the J.S.D. program in international human rights law.

Judicial Process Seminar [585]
(2-0-2) Ripple

Affords students the opportunity to confront the question that Justice Cardozo presented in his famous work on the judicial process: “What is it that I do when I decide a case?” Through class discussion, explores the intellectual roots of the American judicial tradition and addresses the problems that confront that tradition in the modern American courtroom. Explores critically the judicial role in the common-law context, in modern statutory interpretation, in administrative practice, and in constitutional adjudication. Helps students appreciate how the judicial mind goes about the craft of deciding a case in the hope that the student, once admitted to practice, will be able to better respond to the needs of that mind, and therefore, will be a better advocate. Requires a term paper on a topic approved by the instructor.

Jurisprudence [606E]
(3-0-3) Carozza

A survey of the principal jurisprudential approaches to law throughout the history of the Western legal tradition, and an examination of contemporary legal problems in the light of principal currents of modern legal theory.

Jurisprudence [606A]
(3-0-3) Rodes

Studies different accounts of the nature of law and the place of non-legal elements—moral, historical, sociological, economic—in legal decision making. Emphasizes concrete legal cases, and attempts to relate philosophical and theological insights to professional insights developed in other courses. Aims at helping students relate their personal commitments to their professional lives, as well as at giving students a better understanding of particular legal dispositions through studying them within the context of the whole fabric of the law.

Juvenile Law [616A]

(2-0-2) Smithburn

Surveys the juvenile justice system—past and present—including: substantive law dealing with children as both perpetrators and victims; arrest and investigation of juvenile delinquency; intake and diversion; rights of children in public schools; whether to treat the child as an adult; adjudication; dispositional and post-dispositional proceedings; abuse and neglect and dependent children; medical and psychological issues; rights of foster parents; mental-health commitment of children; special advocacy for children; and termination of parental rights.

Labor and Employment Law [611]

(3-0-3) Fick

Examines how both the common law and the statutory law impact the employment relationship in the private sector. Gives special attention to: contract- and tort-based exceptions to employment-at-will; the National Labor Relations Act and the role of unions in the workplace; and employment problems raised by safety and health issues.

Land Use Control Law [631G]

(1.5-0-1.5) Kellenberg

Analyzes zoning laws and procedures, subdivision regulation, eminent domain, taxation as a planning and control device, and planned developments.

Land Use Planning [642]

(2-0-2) Pearson

The underlying proposition governing this class is that there has always been and will always be land-use planning in this society. There has never been a time when a person was completely free to do what he or she wanted with the land. The course examines the ways in which that planning is done, from the reactive and most ancient (nuisance law), to the proactive and common (zoning) to the relatively new and not-so-common (growth controls). Asks questions not only about the effectiveness of these tools, but also about their desirability. Course requires a substantial paper and class participation. There will be no examination.

Law and Literature [635]

(3-0-3) Phelps

Focuses on works of literature that deal with significant moral and legal revenge, issues such as crime and punishment, the death penalty, the conflict between moral law and civil law, the qualities of lawyers and judges, and the law’s treatment of marginalized groups.

Law and Poverty [686]

(2-0-2) Broden

Examines the situation of the poor in the American legal system. Includes field work and clinical work with clients in northern Indiana and southern Michigan.

Law of Education [689]

(3-0-3) Dutile

Examines selected legal aspects of education including students' rights, teachers' rights, desegregation, educational finance, and church-state matters.

Law of the Disabled [693]

(2-0-2) Hull

Emphasizes federal legislation and implementing regulations together with Supreme Court decisions interpreting those statutes and rules. Considers selected state authorities in connection with topics such as appropriate placement and treatment of institutionalized mentally disabled persons and appropriate public education of disabled students. Other topics include the Social Security disability system and issues pertaining to accessibility of public buildings and transportation services. A significant part of the course concerns the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Considers difficulties encountered in implementing the Rehabilitation Act, Supreme Court interpretations of that act and the resulting effects on the Americans with Disabilities Act.

Law of Medical Malpractice [638C]

(2-0-2) Spalding

Provides a practical review of medical liability. Examines the elements and defenses of a medical malpractice claim, and considers issues of insurance, access, product liability, and peer review. While not a trial-advocacy course, most topics are reviewed from a litigation or trial perspective.

Legal Aid I & Ethics [591A]

(5-0-5) Fox/Jones

Legal Aid I and Ethics is a 5-credit, graded course providing training in basic lawyering skills, ethics, substantive civil law, and Indiana procedural and evidentiary law relevant to the representation of low-income clients in the courts and administrative agencies. This course satisfies the upper-level ethics requirement. The course will use a combined lecture and mock exercise format. Each student will represent a minimum of two clients during the semester for which he/she is the primary attorney. The students may also be assigned up to two additional cases for which he/she is the second chair attorney, in cases that are particularly complex or require multiple court appearances. Students will receive a student practice certification from the Indiana Supreme Court allowing them to conduct motion hearings, evidentiary hearings, negotiations, and administrative hearings on behalf of their clients. Due to the requirements of the Indiana student practice rule, this course is limited to students who have completed at least three semesters of law school.

Consumer Law Focus: Both the case selection and the classroom component of this section of Legal Aid I & Ethics will focus on consumer protection issues. Some of the current cases the Clinic is handling include violations of the Indiana Deceptive Consumer Sales Act, fraud and violations of the Indiana's Home Improvement Contracts Act.

Landlord-Tenant Focus: Both the case selection and the classroom component of this section of Legal Aid I & Ethics will focus on landlord-tenant problems, although students will likely work on other cases as well.

Legal Aid II [591B]

(3-0-3) Fox/Shaffer

Allows for a concentrated examination of the substantive areas of law handled in the clinic to provide students with an opportunity to explore areas of particular interest. Allows a more in-depth interaction with community attorneys, judges, officials, and professionals who provide services to clinic clients. Course work includes clinical work with clients under the supervision of practicing attorneys.

Enrollment: limited at the discretion of the clinic faculty.

Legal Aid Immigration Clinic (cocurricular) [591I]

(V-0-V) Szweda

Allows students who have completed Legal Aid Immigration Clinic I and II to work exclusively on immigration cases.

Legal Aid Immigration Clinic I and II**[591E and 591F]**

(3-0-3) (3-0-3) Szweda

Allows students to work with clients in need of immigration assistance, including the filing of petitions and representing clients before the INS, the BIA and the immigration courts in matters including removal proceedings, asylum hearings and appeals.

Pre- or corequisite: Immigration Law (LAW 652A)

Enrollment: limited to six students, with permission of instructor.

Legal Externship (summer only; cocurricular)**[592]**

(V-V-1) Robinson

Students may earn one unit of cocurricular externship credit for student volunteer legal work of six weeks or more during the summer months in any court, agency or public or private law office. Externship work must be conducted under faculty supervision, conform to the approved standards of the faculty, and have the advance approval of the associate dean for academic affairs.

This one unit of cocurricular credit may count as one of the four maximum allowable cocurricular credits toward graduation requirements but cannot count toward the minimum hours required during any semester for residency. It will be reflected on a student's transcript.

Legal Externship—Public Defender (cocurricular)**[592A]**

(2-0-2) Bradley

Involves assisting actual public defenders in representing indigent clients at the St. Joseph County Courthouse— Trial and Misdemeanor Division. Students can expect to represent clients in many capacities, some of which include: negotiating plea bargains with prosecutors; preparing and conducting bench trials; interviewing and subpoenaing witnesses; writing and filing discovery motions; and other activities within the administration of justice. Students are expected to work at the courthouse one full morning or afternoon each week. Besides the courtroom experience, students must attend class sessions once per week that feature prosecutors, police officers, public defenders, judges and probation officers lecturing on their duties as officers of the court.

Enrollment: limited each semester at the discretion of the instructor.

Legal Externship—Public Defender—Ethics**[592B]**

(1-0-1) Bradley

Involves formulating solutions to ethical problems in the criminal justice system. Meets once per week. May be graded at the option of the instructor. Satisfies Ethics II requirement.

Pre- or corequisite: Legal Externship—Public Defender (LAW 592A)

Legal Externship—Public Defender (cocurricular)**[592C]**

(2-0-2) Bradley

Students who have completed the externship requirements of LAW 592A may enroll for additional cocurricular credit. Students may work in the Trial and Misdemeanor division at the St. Joseph County Courthouse or may assist felony public defenders. Those who work for the felony public defenders must agree to work at least 60 hours over the course of the semester.

Prerequisite: Legal Externship—Public Defender (LAW 592A)

Enrollment: limited each semester at the discretion of the instructor

Legal Research I**[512]**

(1-0-1) Library Faculty

Designed to introduce first-year students to the tools and methodology of legal research and to help develop the research skills that are essential both in law school and in law practice.

Legal Research and Writing II (Moot Court)**[513]**

(2-0-2) E. Blakey/Byrnes/Nuttle/Phelps/Taylor/T. Thomas/Venter

Introduces students to techniques of appellate advocacy. Requires each student to brief and argue one appellate Moot Court case.

Legal Responses to Terrorism**[549C]**

(3-0-3) Gurulé

Explores many issues, including the definition of "terrorism," the characteristics of terrorism that distinguish it from simple criminal conduct, how terrorism differs from other international crimes against humanity, war crimes, genocide and torture, what legal rights should be afforded terrorists, the international legal framework to combat terrorism, and the U.S. domestic legal response to terrorism.

Legal Writing I [514]

(2-0-2) E. Blakey/Byrnes/Nuttle/Phelps/Taylor/
T. Thomas/Venter

Introduces students to the world of legal discourse and provides instruction, experience, and guidance in learning to write legal documents. Emphasizes writing as a process and focuses on prewriting, drafting, and revising strategies designed to produce effective written work.

LL.M. Thesis [634]

(V-0-V) Meintjes

Requires written work of substantial quality completed under the direction of a faculty sponsor.

Enrollment: limited to students in the human rights LL.M. program

Local Government Law [672C]

(3-0-3) N. Garnett

Examines the laws regulating the relationships between local governments and their citizens and between local governments and state and federal governments. Covers: forms of local government; the scope of local governmental power, statutory and constitutional limits on local governments; provision, financing and privatization of services; annexation, secession and other boundary issues; inter-local cooperation and conflict, especially between cities and their suburbs; and the growth of “private” regulatory bodies.

Medieval Legal History [688]

(2-0-2) Rodes

Studies the formative period of the Anglo-American legal system using 14th-century yearbooks and other materials from the same period.

Minerals Law [631C]

(1.5-0-1.5) Kellenberg

Begins with an overview of geology, exploration and development. Considers major legislation and its interpretation, mining claims, mineral leases and international aspects of mining.

Moot Court—Appellate (cocurricular) [594]

(1-0-1) Palmer/Sullivan

Second- and third-year students may earn academic credit through participation in Moot Court arguments and as members of the Law School’s National Moot Court Team, as well as through the representation of indigent defendants at the appellate level. Includes brief writing and oral arguments. Students will participate in weekly workshops to develop their skills in all aspects of trial practice.

Moot Court—International (cocurricular) [595]

(1-0-1) Carozza

Second- and third-year students may earn academic credit through participation in the Philip C. Jessup International Moot Court competition as research fellows or as members of the Law School’s International Moot Court Team.

Pre- or corequisite: International Law (LAW 633) or International Legal Process (LAW 633B)

Moot Court—Trial (cocurricular) [596]

(V-0-V) Jourdan/K. Singer

Moot Court Trial is a class designed to prepare second- and third-year students for the National Trial Competition and the ATLA Trial Competition. Tryouts for the NTC team are held during the first week of class in the fall. Moot Court Trial is a mandatory class for members of the NTC team. This class is suggested, but not required, for students who wish to try out for the ATLA team. Tryouts for the ATLA team are held during the first week of class in the spring semester. The class focuses on trial skills using one case file for the semester. Students will be required to incorporate powerpoint presentations into their trial performance. To be a member of the NTC team students must have completed Trial Advocacy. It is strongly suggested that they either take concurrently or have completed Evidence.

The NTC team will consist of six (6) third-year students and the ATLA team will consist of eight (8) second-year students.

Morality and the Law [648E]

(3-0-3) Rice

Examines in detail the central jurisprudential issue of this century—the relation between the human law and the higher law as that law is seen in the natural law and revelation. Focuses on the Treatise on Law of St. Thomas Aquinas and its intellectual foundations. Emphasizes original sources in the examination of Marxist, natural rights, utilitarian, positivist and other theories of law. Readings include Aristotle, Cicero, Aquinas, Kant, Hobbes, Locke, Rousseau, Jhering, Savigny, Bentham, Mill, Stephen, H.L.A. Hart, Devlin, Kelsen, Austin, Holmes, Pound, Rommen, Solzhenitsyn and Pope John Paul II. Studies the theoretical and practical differences among the various approaches, with particular reference to issues involving legal personhood, the inception and termination of life, the legal status of the family, economic justice, national defense and other matters. Includes an evaluation of these issues with reference to the social teachings of the Catholic Church.

Not-For-Profit Organizations [601C]

(3-0-3) M. Barrett

Examines the legal regulation of not-for-profit organizations under both state law and federal tax law. Topics covered include an overview of the not-for-profit sector; formation and dissolution of not-for-profit organizations; operations and governance, including the legal duties and liabilities of directors and trustees; regulation of charitable solicitation; requirements to qualify and maintain tax-exempt status under federal and state law; the unrelated business income tax; the distinction between public charities and private foundations; and basic charitable giving strategies. The course will include a final examination.

NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY (cocurricular) [598]

(V-0-1) Pearson

Third-year White scholars may earn one unit of academic credit each semester for editorial work on the NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY.

NOTRE DAME LAW REVIEW (cocurricular) [590]

(V-0-V) Tidmarsh

Second- and third-year students may earn academic credit by researching, writing, and editing material in conjunction with the preparation for publication of the NOTRE DAME LAW REVIEW.

Patent Law [645]

(3-0-3) Hall

Studies statutory subject matter of and conditions for a patent (Title 35, U.S. Code); infringement of claims; protection of know-how; licensing, including property and contract interests in patents and know-how; and litigation procedures, remedies, defenses and judgments. Introduces practical aspects of patent law such as forms and agreements where relevant. This course has no prerequisites, either scientific or legal.

Payment Systems [646B]

(3-0-3) R. Gallagher

Focuses primarily on the law of negotiable instruments—checks and promissory notes—as set out in Articles Three and Four of the Uniform Commercial Code. Also deals with credit and debit cards, letters of credit, and electronic fund transfers.

Poverty Law Topics [613A]

(2-0-2) Shaffer

Clinical seminar on the planning and drafting of wills and trusts.

Enrollment: limited to students who are interns at the Notre Dame Legal Aid Clinic in the fall 2004 semester, or who worked at the clinic during the summer of 2004 or who have been certified under the Indiana student-practice rule. Further limited to 10 students.

Professional Responsibility [581]

(3-0-3) Coughlin

Takes an in-depth view of certain ethical issues in the legal profession. Among the issues discussed are: confidentiality, conflict of interests, unpopular clients, lawyers' speech and advertising, admission to and regulation of the bar, and responsibilities to some special clients. The course examines the ABA M and relevant cases. In an attempt to uncover the foundation that might be claimed to underpin the rules, a spectrum of philosophical, theological, pragmatic, and utilitarian theories are considered. The course thus deals with the application of the rules of professional responsibility to real ethical conflicts and critically examines the possibilities of the moral values reflected in the law.

Note: This course DOES NOT satisfy the Ethics II requirement for graduation

Property [505B]

(4-0-4) N. Garnett/Nagle/Pearson

Encompasses estates in land and conveyances. Covers common-law and statutory devices concerning: promoting the alienability of land, regulating claims to property made by family members against one another, and reconciling and adjusting claims of suppliers and consumers of land in the common types of land-financing relationships. Also considers the chief methods used for promoting the security of land titles: title recording, title registration, title insurance, and adverse possession.

Public Lands Law [631H]

(1.5-0-1.5) Kellenberg

Considers public lands with specific reference to timber, range, wildlife, recreation, and preservation resources.

Real Estate Transactions**[641]**

(3-0-3) Rougeau

Introduces students to the major legal issues that arise in the sale and purchase of real estate and to the fundamentals of real estate transactions. The residential real estate transaction will be used as the foundation for understanding how all real estate transactions work, from the offering contract negotiations, through financing, to the closing. Also explores issues in real estate development from both practical and policy perspectives, and examines current trends and issues in real estate such as anti-sprawl legislation, neo-traditional planning and sustainable development and government manipulation of the market demand for real estate.

Regional Human Rights Protection**[671A]**

(3-0-3) Davis

Studies the regional systems that currently exist to protect human rights in the Americas, Europe, and Africa. Compares the rights guaranteed and the procedures established to enforce them. Addresses selected topics such as the death penalty, impunity and disappearances. Emphasizes the mechanisms for bringing a case and the remedies available. Includes discussions of a potential Asian human rights protection system.

Prerequisite: International Law (LAW 633) or International Legal Process (LAW 633B)

Remedies**[655A]**

(3-0-3) R. Gallagher

Substantive courses (Contracts, Torts, Property, etc.) address the question of what rights will be recognized and enforced by courts. This course addresses the bottom line – what form will that enforcement take: damages for a plaintiff’s loss, recovery of the defendant’s unjust enrichment (“Restitution”), or an order to a party to do or refrain from doing something (injunction). Since the system of measurement of any monetary recovery is important to any litigant, that topic will be explored in detail. The court’s power to use contempt in aid of enforcement of its decrees will also be considered.

Secured Transactions**[602]**

(3-0-3) R. Gallagher

Covers Article 9 of the Uniform Commercial Code on security interests in personal property to secure repayment of an obligation and the sales of certain types of payment obligations. Analyzes: the creation and perfection of security interests; the continuation of security interests in collateral transferred by the debtor and in the proceeds of any disposition of collateral; the priority of interests in collateral among secured parties, lien creditors and buyers; and the remedies of the secured party against the collateral in case of default. Also briefly addresses those elements of the Bankruptcy Code that affect secured transactions. Includes detailed analyses of problems under the applicable statutes, as well as discussions of the policy reasons behind the statutes, the incentives that different rules create, the methods of avoiding uncertainties in the statutes, the business background behind transactions and the ways in which transactions can be structured to effect the intentions of the parties.

Securities Regulation**[626]**

(3-0-3) L. Casey

Studies federal securities laws governing the distribution of and trading in securities, as well as emerging federal corporate law.

Pre- or corequisite: Business Associations (LAW 601)

Social, Political and Legal Thought of Thomas Aquinas**[644A]**

(2-0-2) Finnis

Examines the ethical and methodological foundations of social theory along with a selection of topics of current interest including: limited government; law’s authority and obligation; the bases and limits of property rights; and unconditional human rights.

Social, Political and Legal Thought of Shakespeare**[644C]**

(1-0-1) Finnis

Through a close study of the thought, language, and imagery of four or five Shakespeare plays (with allusions to other of his works), discloses the penetrating thought of the author on conscience, legitimacy and revolution, the rule of law, bad government, faith and politics, and related matters.

Sports Law [629C]

(2-0-2) R. Gallagher

Covers both professional and collegiate sports. Offers an overview of several areas of law as applied to professional sports. Explores antitrust law and labor law, as well as the conflict between the policies behind these areas of law, particularly in regard to “reserve clauses” in players’ contracts. Considers the application of contract law, equity and other areas to sports issues.

Enrollment: preferred for, but not limited to, third-year students.

Statutory Interpretation Seminar [650B]

(2-0-2) A. Barrett

Explores and critically evaluates leading contemporary approaches to statutory interpretation, paying particular attention to the constitutional and public-choice theories that drive the modern debate. Topics include purposive interpretation, dynamic statutory interpretation, textualism, canons of construction, and the use of legislative history.

Street Law (cocurricular) [647]

(2-0-2) Robinson

Presents practical legal issues in the areas of criminal, juvenile, family, housing, consumer, individual rights and environmental law. Law students participate in a weekly seminar designed to prepare them for their respective teaching assignments in local high schools.

Taxation of Business Enterprises [614]

(3-0-3) Gunn

Introduces the federal income taxation of corporations and shareholders and taxation of partners. Includes discussions on: choosing the appropriate business entity for conducting business ventures, formation of corporations and partnerships, taxation of operations and distributions, sales of interests in incorporated and unincorporated businesses and liquidations.

Pre- or corequisite: Federal Income Taxation (LAW 605)

Torts [501A]

(4-0-4) Gunn/Tidmarsh

Addresses the legal rules that determine whether civil liability attaches to conduct that results in harm to others.

Trial Advocacy Comprehensive/Intensive [695]

(4-2-4) Bradley/Brook/Grimmer/Jourdan/Marnocha/Seckinger/T. Singer

Studies and analyzes trial advocacy techniques, and is designed for students whose primary career interest is litigation. This course is intended to help students develop a familiarity with the techniques by which evidence of controverted facts is presented in litigation before judicial tribunals. Classroom sessions in conjunction with a jury trial for each student provide an examination and analysis of trial advocacy skills and issues of professional responsibility. Involves workshop sessions and learning-by-doing through simulated courtroom exercises. Studies trial advocacy techniques through student participation, faculty critique, lectures and demonstrations by practicing lawyers. The various trial advocacy skills are put together in a full trial that proceeds from the initial stage of client and witness interviews through a jury trial and verdict.

Trusts and Estates [608]

(3-0-3) Robinson/Shakour

Introduces students to the fundamentals of the law governing the intergenerational transfer of wealth. Using the Uniform Probate Code as a model, surveys the law of intestacy, wills, will substitutes, and trusts. As time allows, also touches upon the law of future interests, perpetuities law, and the rudiments of estate and gift taxation. At every point, is sensitive to the ethical challenges that are inherent in the practice of this body of law.

Urban Property Law [505A]

(2-0-2) N. Garnett

Explores a number of important issues facing cities today including: legal efforts to develop more livable communities such as suburban growth controls, “anti-sprawl” initiatives, “greenbelts” and other environmental measures; laws designed to increase the availability and improve the quality of affordable housing; the regulation of private behavior in public spaces; economic development efforts; and innovative uses of property law to prevent and control crime.

Universal Protection of Human Rights [694A]

(3-0-3) Davis

A foundational course in international human rights law. Focuses primarily on examples from United Nations-related human rights regimes, and examines: the historical and jurisprudential bases of international human rights law, the normative frameworks of the principal universal human rights treaties and of customary international law and the institutional mechanisms for interpreting, monitoring compliance with and enforcing those norms.

Prerequisite: There are no prerequisites for this course, although it is recommended that students take International Law (LAW 633) or International Legal Process (LAW 633B) before taking this course.

Water Law [631D]

(1.5-0-1.5) Kellenberg

Deals with property systems in water, the development of new water supplies, transfer of rights in developed supplies, and groundwater management.

White Scholar Program [653]

(V-0-2) Pearson

Second-year White scholars may earn academic credit by successfully completing staff work and by writing a publishable article for the NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY.

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LAW SCHOOL 2004–2005 CALENDAR

Fall Semester 2004

Orientation (incoming first year students).....	Friday through Sunday.....	August 20–22
Enrollment.....	Online via Web.....	Dates TBA
First Class Day.....	Monday.....	August 23
Last Day to Add Courses.....	Friday.....	August 27
Last Day to Drop Courses		
without Dean's Approval.....	Friday.....	August 27
Midsemester Break.....	Saturday through Sunday.....	October 16–24
Thanksgiving Break.....	Thursday through Sunday.....	November 25–28
Thursday/Friday Classes Held.....	Monday/Tuesday.....	December 6–7
Last Class Day.....	Tuesday.....	December 7
Study Period.....	Wednesday and Thursday.....	December 8–9
Examinations.....	Friday through Saturday.....	December 10–18

Spring Semester 2005

Enrollment.....	Online via Web.....	Dates TBA
First Class Day.....	Monday.....	January 10
Last Day to Add Courses.....	Friday.....	January 14
Last Day to Drop Courses		
without Dean's Approval.....	Friday.....	January 14
Midsemester Break.....	Saturday through Sunday.....	March 5–13
Easter Break.....	Friday through Monday.....	March 25–28
Friday Classes Held.....	Tuesday.....	April 26
Last Class Day.....	Tuesday.....	April 26
Study Period.....	Wednesday and Thursday.....	April 27–28
Examinations.....	Friday through Tuesday.....	April 29–May 10
Commencement.....	Sunday.....	May 15

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Office of the Registrar

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Office of Student Residences

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 (574) 631-5878

Office of Student Accounts

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