

## **Memorandum**

TO: Students

FROM: Okianer Christian Dark  
Associate Dean for Academic Affairs

RE: Memorandum on Course Offerings for 2010 Fall Term and Information about the spring 2011 course schedule.

DATE: March 6, 2010

This memorandum provides you with information about some course offerings for the fall 2010 term, which are not included in the *Student Affairs Guide*. Also, you will find some courses listed in this memorandum that are not new but will be formatted differently for the fall term or have a new adjunct professor teaching the course.

In December 2008, the faculty adopted an innovative proposal to establish “mini-courses” in the law school’s curriculum. A mini-course is a one-credit hour course that would allow students to sample a variety of legal topics or skills with specialists drawn from the D.C. metropolitan area, visiting scholars or judges. These courses are also offered by Howard Law faculty who wish to explore new areas of the law or an already established topic within the faculty member’s field of specialty. These courses meet twice a week for 75 minutes over the course of 10 class periods or 5 weeks during the semester. For example, in the spring term, a mini-course was scheduled from the first week of February through the second week of March. In a mini-course, faculty could assign students a project, short paper or series of short discussion papers, an oral presentation or other activity as the basis for the grade in the course. All course work for the mini-course must be completed by the end of the semester. Mini-courses are designated as such on the schedule distributed by the Office of Academic Affairs.

Students register for the mini-course like any other course in the curriculum. In the fall term, the mini-course will begin the week of September 20<sup>th</sup> and end the week of October 25<sup>th</sup>.

All courses are subject to cancellation due to low enrollment. After the registration period ends, the Office of Academic Affairs will review the registration list for all courses and determine whether any courses will be cancelled due to low enrollment. If so, students registered for a course that is cancelled, will be given ample notice so that they can register for another open course during the add/drop period which is the first week of classes in the fall term.

## Course Descriptions

### **CD: Criminal Justice Enforcement (Seminar)**

Associate Professor Josephine Ross

3 Credits

Prerequisite: Criminal Procedure I

LWIII eligible

Scholars and activist have questioned whether criminal Law and its enforcement inure to the benefit of all segments of the U.S. population, and have used a variety of methodologies to expose race, gender, and class bias. In addition, many have questioned the punitive model of addressing undesirable conduct and the increasing power given to the state to investigate and detain. This course will cover debates over certain substantive areas of law, including Domestic Violence and Rape, and debates over police power, including “Driving While Black” detentions and the Consent-to-Search exception to the Fourth Amendment. Some controversies over punishment may also be addressed, including the Death Penalty and the Restorative Justice Movement that imports aspects of the South African Truth Commission.

Students will be given an opportunity to choose a final paper topic that interests them, whether it focuses on an area of substantive criminal law, punishment, or the procedures police use to investigate crime. Topics are not limited to the subjects taught in class. Papers must include a critical component, and students will be prepared for this by readings and class discussions throughout the course. There will be smaller writing assigned to provide opportunity for feedback before the final paper is due. Grades will be based upon (1) class participation, (2) a presentation to the class on your paper topic, and (3) written assignments, including a final paper which will satisfy the Legal Writing III requirement.

### **CD: Family Law Practice**

Mr. Peter Sherman

3 Credits

No prerequisites

Not LWIII eligible

This course provides an overview of the practice of family law with a reasonably in-depth study of the substantive law principles relating to child custody, spousal and child support, and property rights. The law and practice relating to Premarital Agreements and Marital Settlement Agreements are also covered. Professional dealings with the client and opposing counsel, ethical considerations, tax and other issues commonly involved in family law cases are identified and considered throughout the course. The course will be most valuable to students who are considering a professional involvement in family law. The final grade will be based on a written final examination subject to being increased or decreased one notice (e.g., B+ to A-) based on class

participation, including thoughtful preparation of occasional written assignments and quality of contribution in class.

Mr. Peter Sherman is highly experienced attorney in family law and he has taught this course at the American University School of Law for approximately 10 years.

**CD: Higher Education and the Law (Seminar)**

Professor H. Patrick Swygert  
Friday, 10:00 a.m.-12:30 p.m.  
3 Credits  
LWIII eligible

This course explores some of the legal issues concerning institutions of higher education, including campus liability that may involve privacy and misconduct issues, fiduciary responsibilities of the university and campus safety and welfare.

A research paper will be required for this course. This course is LWIII eligible and was offered for the first time in fall 2009.

Professor H. Patrick Swygert served as President of Howard University from 1995 to 2008. He also served as President of the University at Albany, State University of New York from 1990 to 1995 and as Executive Vice President of Temple University from 1987 to 1990. Prior to that, he was a tenured professor at Temple University School of Law and served as special counsel to the President of Temple University. Professor Swygert received his *Juris Doctor* from Howard University School of Law.

**CD: Housing and the Public Interest (Seminar)**

Supervising Attorney and Adjunct Professor Brian Gilmore, Director of Howard University School of Law's Fair Housing Clinic  
3 Credits  
No Prerequisite  
Not LWIII eligible

This course will examine the key statutes, cases, and policy issues and debates that have emerged in the last century in housing law from a public interest perspective. One of the primary focal points would be how the federal government and state governments have sought over the years to provide an adequate stock of safe, decent, and affordable housing of various types to the public free of discrimination, bias, and other barriers to housing for minority groups and the poor. In seeking to understand this pursuit, the course will examine early exclusionary zoning cases, the battle over racial covenants, the development of public housing through the Housing Act of 1937, the formation of FHA, the battle over segregation in housing, integration, HUD, fair housing, the expansion of tenant rights under landlord-tenant law in various jurisdictions, rent strike cases, right to housing efforts, the *Gautreaux* litigation and policy developments from that case, up until the modern era where wealth creation and home ownership has

become a new area of focus for policymakers, advocates, and the business community. A paper will be required in this course.

### **Contemporary Developments: Introduction to Investment Law and Practice (Seminar)**

Mr. Barry P. Barbash, Partner, Willkie Farr & Gallagher LLP

3 Credits

No prerequisites

Not LWIII eligible

This course provides an introduction to the law and practice relating to mutual funds, investment advisers, and other money managers. It focuses on the regulation of mutual funds and other investment companies under the Investment Company Act of 1940 and the Investment Advisers Act of 1940. The course begins by addressing important threshold questions of whom or what is an investment company or investment adviser. It examines the laws and policies applicable to SEC registration, disclosure, conflicts of interest, governance, advertisements, distribution channels, fees, and other aspects of fund and adviser operations. Also, various types of investment companies and advisory services will be discussed, including closed-end funds, business development companies, money market funds, asset allocation programs, and services to retirement plans. Finally, the course includes consideration of the hot topics of the day in investment management law, such as new initiatives in fund disclosure, potential misuse of material, non-public information by advisers, and mergers and acquisitions involving money managers.

This course will be taught by Mr. Barry Barbash who is a partner at Willkie Farr & Gallagher LLP and chairs its Asset Management Group. Mr. Barbash serves as Co-Chairman of the Investment Management Institute sponsored by the Practising Law Institute, is a member of the Program Committee of the Investment Company Institute's Mutual Funds and Investment Management Conference and is ranked in the number 1 tier nationally by *Chambers USA (2008)* for leading individuals practicing in the area of registered funds and hedge funds. He served as the Director of the SEC's Division of Investment Management and was awarded the Presidential Distinguished Rank Award for exceptional achievement during his tenure at the SEC. Mr. Barbash also teaches this course at Georgetown Law Center in its LL.M Securities Program as an adjunct professor.

There will be written assignments and possibly an exam in this course.

## **CD: Law and Religion (Seminar)**

Professor Steve Jamar

3 Credits

No prerequisites

LWIII eligible

In this seminar students will explore a few of the problems arising from the interactions of law and religion. A portion of the course will examine in some depth the United States Constitutional law concerning free exercise and establishment. International and comparative approaches will be used to help inform our understanding of these two areas. Issues of the role of religion and religious discourse in civic action (including legislation, judicial determinations, and executive action (e.g., funding social services through faith-based organizations) will be addressed. Particular issues to be addressed will vary from year to year depending upon current events, student interest, and the professor's assessment of significant concerns. Issues can include religion in employment settings, evolution/creationism in schools, sex education, abortion, rights relating to sexual orientation, ownership of church property when a congregation breaks away from a hierarchical church, power and propriety of the courts to decide issues relating to religious organizations, limits and demands of tolerance and free speech in public school contexts, and more.

The course is a seminar with students doing and presenting research papers on topics they select in consultation with the professor. Grades will be based upon (1) class participation, (2) paper presentation to the class, and (3) final paper.

## **CD: Patent Practice and Enforcement (SK)**

Mr. George Pappas, Partner, and Mr. Paul Berman, Partner, Covington & Burling LLP

3 Credits

No prerequisites, but recommend Introduction to Intellectual Property or Patent Law.

Not LWIII eligible.

This course takes students through the applicable law and the skills necessary to enforce patents. The course has a number of hands-on in class skills exercises dealing with standing, expert testimony, a special Marksman hearing, motions *in limine*, and more. In addition, three or four writings to be graded are required showing understanding of and facility with the skills being taught. Substantive subjects covered include: jurisdiction, venue, pleadings, discovery, expert testimony, claim construction, pre-trial, trial, and appellate practice, and remedies (including monetary and injunctive relief). Special considerations about practice before the International Trade Commission and issues of mediation and arbitration are also presented.

Mr. George Pappas has been in practice for 30 years and during that time has served as lead counsel on more than 300 cases, having appeared in federal and state courts throughout the United States. He has been lead counsel in more than 100 patent cases for United States and foreign companies, often coordinating with patent counsel in

Germany, Japan and Canada. He is a Fellow of the American College of Trial Lawyers and Chairman of the Complex Litigation Committee for the American College of Trial Lawyers. In 2007, Mr. Pappas was named as one of the “Ten Top Business Litigators in DC” and in 2005, he was named a “Top Washington Lawyer” by *The Washingtonian* in the field of Intellectual Property. He is a Phi Beta Kappa graduate of the University of Maryland and received his Juris Doctor degree from the University of Maryland School of Law where he was Editor-in-chief of the *International Trade Law Journal*.

### **CD: Securities Offerings, Registration and Disclosure**

Mr. Brian V. Breheny, Deputy Director of Legal and Regulatory Policy,  
Division of Corporation Finance, U.S. Securities and Exchange Commission  
Monday, 6:00-8:30 p.m.  
3 credits  
Prerequisites: Securities Regulation I or Corporations  
Not LWIII eligible

This course examines the provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 and rules adopted by the SEC as they relate to offerings of securities and public reporting requirements for issuers with securities registered with the SEC. This examination will include the concept of materiality, the principles of integrated disclosure, and the line item disclosure requirements of SEC regulations. In addition, there will be guest speakers comprised of SEC Commissioners, SEC Senior staff, and private practitioners in the law of corporate finance.

The grade in this course will be based on a project (40%), a short paper (50%) and class participation (10%).

### **Federal Civil Rights Law: History and Philosophy**

Professor Aderson Francois  
3 Credits  
Prerequisites: Constitutional Law I and II

This course examines the history and philosophy of federal civil rights legislation and case-law in the United States. Generally, American civil rights law may be divided into two main historical and philosophical periods: the post Civil War Reconstruction constitutional amendments and legislation from approximately 1866 to 1877, and the modern civil rights movement beginning in earnest in 1964. By focusing on key legislation, cases and social developments during both periods, the course will explore whether and how Congress, the courts and American society have kept of broken faith with the constitutional ideal of respect for human rights and equality.

Students interested in the Civil Rights Clinic are also strongly urged to consider this course prior to or simultaneously with applying for the Clinic.

## **Investor Justice and Education Clinic\* (new clinic this fall)**

4 Credits

Students must be selected to participate in this clinic. Contact the Clinical Office to pick up an application and description of the process to be eligible for this clinic.

4 Credits

Prerequisites:

The Investor Justice and Education Clinic (IJEC) continues Howard University School of Law's (Howard Law) historic mission of being on the cutting-edge in the fight for civil rights by facilitating economic parity for minorities and the traditionally disadvantaged. IJEC was established with a \$250,000 grant from FINRA, which recognized that Howard Law was uniquely situated to provide critical investment skills and knowledge and legal representation to the traditionally disadvantaged. IJEC is the only such clinic in the greater Washington DC area and will utilize a two-pronged approach to facilitate economic parity for minorities and the traditionally disadvantaged: (1) it will provide legal services to investors who do not have the financial resources to obtain legal counsel and (2) it will provide investor education and community outreach to traditionally underserved communities.

\*This clinic will be offered this fall pending approval by the faculty.

## **Municipal Law**

Mr. Fred Cooke, Ruben Winston Diercks Harns & Cooke LLP

3 Credits

No Prerequisite

This course deals with the study of laws relating to the organization, development, control and maintenance of cities, towns, and communities, with special emphasis on black communities. The legal problems involved in decentralization are discussed. An investigation is undertaken of the laws, ordinances, and regulations involving municipal services and the constitutional implications regarding them.

Attorney Cooke is a named partner in Ruben Winston Diercks Harns & Cooke LLP in Washington, D.C. where his principal practice is in government relations and commercial transactions. Further, Professor Cooke represents Councilman Marian Barry as his personal attorney. He is an experienced teacher who has taught the Municipal Law course at the School of Law for several years.

## **Trademark Law**

Mr. Philip G. Hampton II and Ms. Luna M. Samman, Dickstein Shapiro

3 Credits

No prerequisites

The course description for this course is in the Student Affairs Manual.

Mr. Hampton joined Dickstein Shapiro in 2004 as a partner in the firm's Intellectual Property Practice. He has been practicing intellectual property for over 24 years as both a practitioner and an administrator. His specialties are in patent and trademark litigation and counseling. He received his Juris Doctor degree from the University of Chicago Law School.

Ms. Samman joined Dickstein Shapiro as an associate in the Intellectual Property practice in 2006. Her focus is on the United States and international trademark prosecution and counseling. Her experience includes all aspects of trademark practice, including copyright and trademark proceedings before the Trademark Trial and Appeal Board. She received her Juris Doctor degree with honors from George Washington University School of Law.

## **Trial Advocacy course (SK)**

2 Credits

This fall term there will be three sections of Trial Advocacy; two sections will focus on criminal cases and one section on civil cases. The increase in the number of Trial Advocacy courses will allow students more opportunities to learn basic trial skills in a simulation-based environment.

Trial Advocacy/Civil 01 - Taught by Dr. Julian Dugas, adjunct Professor of Law and Judge ----- Burnett, retired United States Magistrate Judge

Trial Advocacy/Criminal 01 – Taught by Judge Emmet Sullivan, United States District Court for the District of Columbia and Ms. Abby Schmitt, Assistant United States Attorney for the District of Columbia.

Trial Advocacy/Criminal 02 – Taught by Professor Tamar Meekins, Director of the Howard University School of Law Clinical Program.

See the course schedule for specific days/times that this 2 credit hour course will be offered in the fall term.

**Mini-Courses: These courses are scheduled for 9/20/10-10/25/10.**

**Climate Change & The Kyoto Protocol**

Ms. Julie A. Weisman, Sullivan & Worcester

1 Credit

Not LWIII eligible

This mini-course will introduce students to the concepts of global warming and climate change, looking at the scientific, political and regulatory aspects of these related issues. Specifically, the course will describe the regulatory regimes governing climate change on the regional, state, and local levels in the United States and then review the progress of regulation and legislation on the federal level. In addition, the course will focus on the Kyoto Protocol, an international agreement on climate change that expires in 2012. This discussion will be particularly timely as the next Conference of the Parties to work on a post-2012 agreement will take place in Mexico beginning at the end of November 2010.

The students will have two final deliverables. First, they must identify a published opinion article involving an issue related to climate change. They then must complete a short paper which takes a view opposite to the one espoused in the article. Second, the class will be divided into teams and assigned a particular position on a current climate change issue being debated in Congress. The team must then prepare a "talking points" paper to present to a staffer in Congress. The team's objective will be to have the staffer agree to recommend that the member vote their way on the issue.

Ms. Julie A. Weismann is an environmental attorney with almost 25 years of experience and is located in the Washington, D.C. office of Sullivan & Worcester. Ms. Weisman has an extensive environmental practice, which currently revolves around climate change issues, alternative and renewable energy sources, green building, as well as assisting clients on environmental issues that arise in commercial transactions. Prior to joining her firm, she was an Honors Program graduate at the U.S. Department of Justice in the Lands and Natural Resources Division and an attorney with the National Wildlife Federation. She earned a B.S. *cum laude*, in zoology from Duke University and a master's degree in forestry from the University of Georgia. She earned her J.D. from Emory University School of Law and is a member of the Connecticut, New York and District of Columbia bars.

## **Employee Benefits (ERISA)**

Attorney G. Christopher Cosby, Chief of the Division of Regulatory Policy Analysis, Office of Policy and Research, Employee Benefits Security Administration (EBSA) for the United States Department of Labor and Attorney Lyssa E. Hall, Deputy Assistant Director, Office of Exemption Determinations at the United States Department of Labor.

1 Credit

Not LWIII eligible

This introductory mini-course will provide students with an overview of the regulatory scheme governing employer sponsored arrangements to provide retirement income and/or health and/or training benefits for employees (employee benefit plans) under the Employee Retirement Income Security Act of 1974 (ERISA). The course will focus on the fiduciary provisions of part 4 of Title I of ERISA including reporting and disclosure obligations, fiduciary status/duties, prohibited transactions, exemptions, enforcement and civil remedies. In addition, the course will provide a brief overview of parts 6 and 7 of Title I of ERISA which relate to group health plans. Students will be graded on class participation and a take home exam consisting of a series of short essay questions.

Attorney G. Christopher Cosby is the Chief of the Division of Regulatory Policy Analysis in the Office of Policy and Research at the Department of Labor's Employee Benefits Security Administration (EBSA). During his tenure at the Department of Labor, Mr. Cosby has made major contributions to EBSA's regulatory and legislative analysis functions. Prior to joining the Department of Labor, Mr. Cosby was the Compliance Practice Leader for the Washington, D.C. office of The Segal Company, a national employee benefits consulting and actuarial firm, and Managing Editor of Employee Benefits Publications at the Bureau of National Affairs, Inc. Mr. Cosby also has worked as an attorney in private practice at the law firms of Venable, Baetjer, and Howard and Gallagher, Evelius, and Jones. He received his J.D. from the University of Maryland School of Law and a Masters of Law (Taxation) and Employee Benefits Certificate from the Georgetown University Law Center.

Attorney Lyssa E. Hall is the Deputy Assistant Director in the Office of Exemption Determinations at the United States Department of Labor. Ms. Hall is an expert on the exemption provisions of ERISA, FERSA, and the Internal Revenue Code. She is a former instructor for EBSA's Basic, Financial Institutions and Customer Service training courses for new employees. She is a frequent speaker at national financial industry conferences and seminars and ALI-ABA sponsored events. Ms. Hall received her B.A. in Political Science from Howard University. She also earned a J.D. and L.L.M. in tax and a certificate in employee benefits law from the Georgetown University Law Center. She is a member of the Maryland Bar.

## **Military Law**

Attorney Calvin M. Lederer, Deputy Judge Advocate General, U.S. Coast Guard

1 Credit

Not LWIII eligible

The Supreme Court has recognized that "the military is, by necessity, a specialized society separate from civilian society" and that "the military has, again by necessity, developed laws and traditions of its own during its long history." Military law concerns itself predominately but not exclusively with criminal sanctions and process that govern the conduct of military personnel. This course will examine the evolution of military criminal law, how it is practiced today in peace and in war under the Uniform Code of Military Justice, and its relationship to American societal and legal norms. It will also consider how the military has reacted to various issues affecting its structure and culture, and how the courts have responded. The course will include up to four graded assignments that may include short memos, responses to exercises, and, potentially, a short oral presentation. There will be no exam.

Mr. Calvin Lederer has been with the United States Coast Guard since 2002. In addition to directing over 130 professional staff in Washington, he supports field legal activities and manages the Coast Guard's Legal Program. Mr. Lederer also serves on the Coast Guard Leadership Council, which is the Service's principal governance body. Mr. Lederer was named a Presidential Distinguished Executive in 2008 and a Presidential Meritorious Executive in 2006. Previously, as an Army judge advocate, Mr. Lederer served in a number of leadership positions in the United States and overseas, including Chief of Staff to The Judge Advocate General and Commandant and Professor of Law at The Judge Advocate General's School in Charlottesville, Virginia. He also served as Special Counsel to the Assistant Attorney General for the Civil Division of the Department of Justice. Mr. Lederer is a graduate of New York University and Hofstra University School of Law.

**Courses that satisfy the Legal Writing III Requirement in the fall 2010 Semester.** Look for the following designation (LWIII) next to the course on the fall class schedule posted on the law school's website. This designation means that the course is LWIII eligible.

- American Election Law and Policy – Dean Schmoke
- CD: Criminal Justice Enforcement – Professor Ross
- CD: Law and Higher Education – Professor Swygert
- CD: Law and Religion – Professor Jamar
- Civil Rights Planning – Professor McDougall
- Critical Race Theory – Professor Robinson
- International Business Transactions – Professor Echols
- International Law of Human Rights – Professor Crooms
- Law & Aging – Professor Nolan

- Independent Study – Associate Dean Dark (approvals given in spring 2010 term for an independent study conducted in the fall 2010 term. See Spring 2010 Academic Calendar for deadline for submitting Independent Study proposal)
- Problems of World Order – Professor Echols

**Upper-level courses that are covered on the Maryland and/or New York Bar examinations that will be offered in the spring 2011 Term:**

- Agency, Partnership and Unincorporated Business Organizations
- Conflicts of Law
- Corporations
- Criminal Procedure I
- Family Law
- Professional Responsibility (two sections)
- UCC courses
- Wills, Trusts and Estates