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# Principles of Course Selection

Boston College Law School

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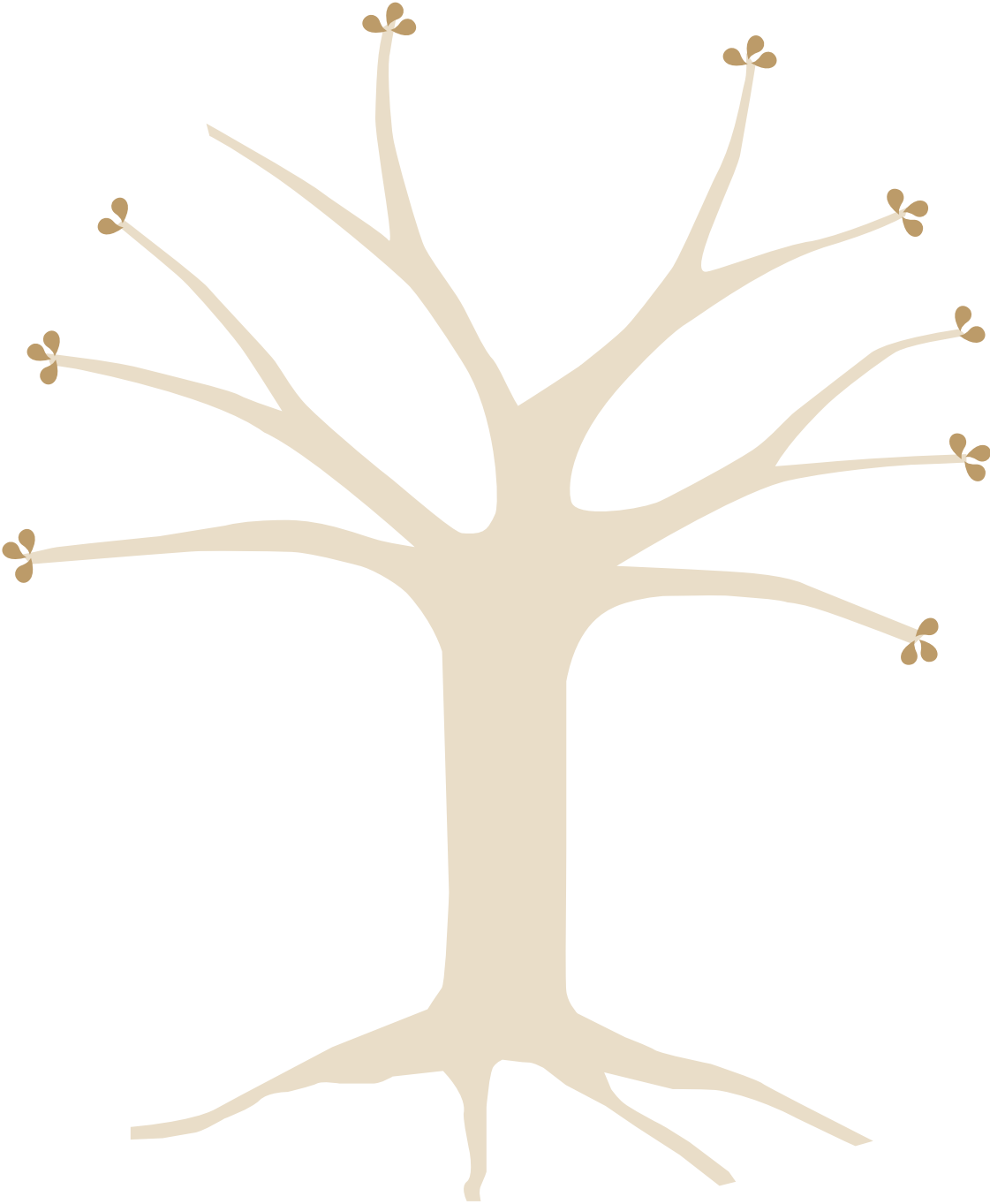
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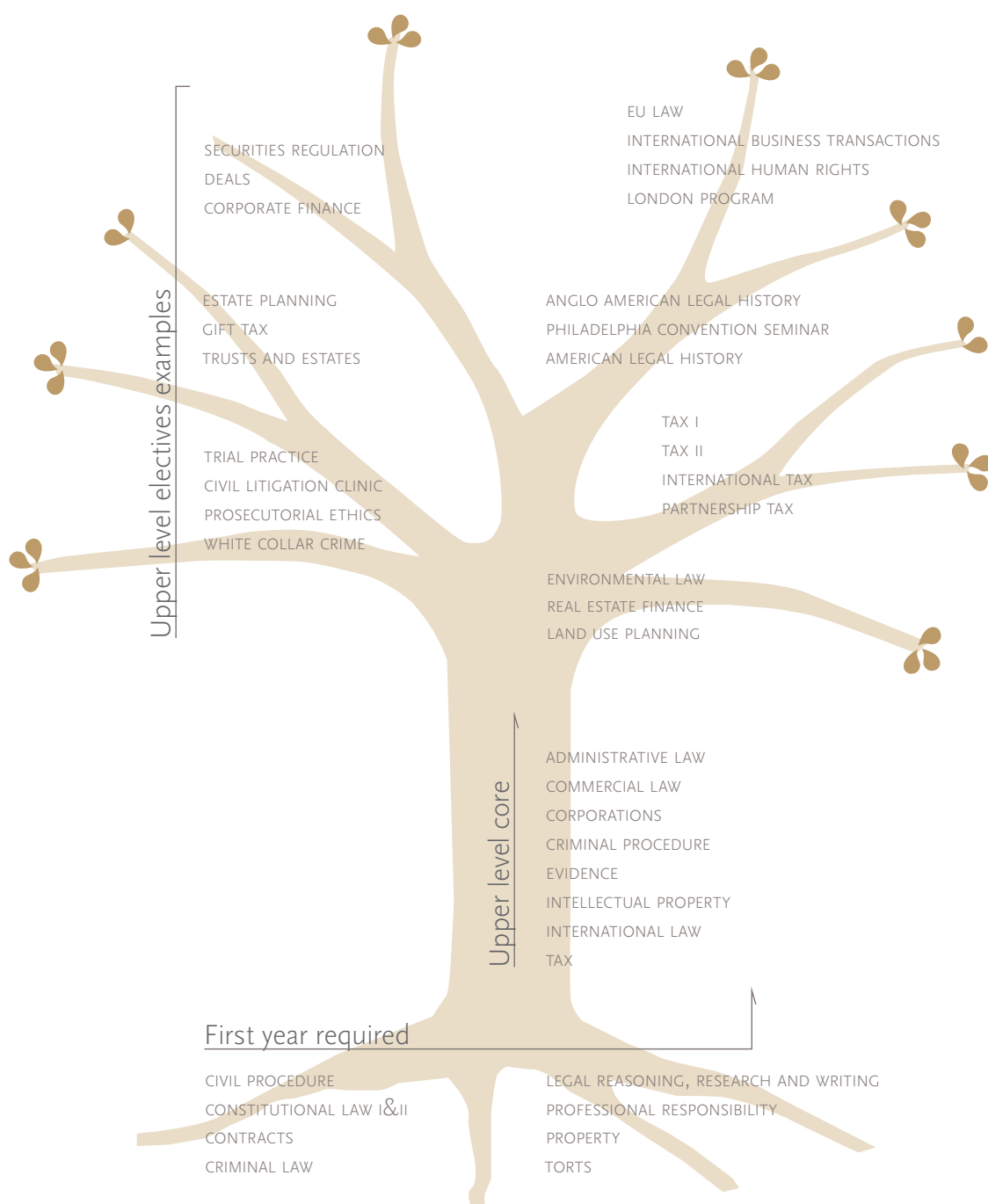
# PRINCIPLES OF COURSE SELECTION



## Curriculum and Course Selection

While much of the BC Law School curriculum is organized by subject area, this is not always helpful for academic advising, in which a more holistic approach may be useful. One way of thinking about an individual's curricular choices is to use the imagery of a tree, in which the first-year foundation courses represent the root

system, a core group of upper level courses form the trunk and more specialized courses are represented in the branches and leaves. Such a model is presented below. This is only one example of a course of study. There are many other paths to construct a curriculum based on the individual student's interests.



# Principles of Course Selection

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What follows is some advice to bear in mind as you construct a course of study for the upper level curriculum. Nearly all your credits taken in the 2L and 3L years will be elective except for the required Constitutional Law II and Professional Responsibility. Of your electives, you will need courses that qualify for the following distribution requirements: "Perspectives on Justice and the Law", "ABA Upper Level Writing" and "Lawyering Skills". Lists of the courses satisfying these latter three requirements are available at registration.

Students in the upper level curriculum must maintain a per semester enrollment of 12-17 credits to maintain their full-time student status. You need a minimum of 85 credits to be graduated from Boston College Law School. If you started here as a first year student, you should have earned 33 credits your first year, which means you have 52 credits remaining for your 2L and 3L year. This works out to an average of 13 credits per semester, though you may take more or fewer in any given term. In your second and third years combined you must have at least 32 credits from *in-class courses at the law school* – and these 32 credits cannot include any of the following:

- (1) Semester practice and other externship credits (other than those for the seminar portion)
- (2) Law review credits and Moot Court credits
- (3) Independent Study credits
- (4) London program – the practice portion credits or credits for courses taken at Kings College from their general curriculum
- (5) Credits from dual degree classes not taken at the law school
- (6) Classes taken at other parts of the university or at other non-law schools or institutions.

With the consent of the Office of Academic Services, second and third-year students may take a maximum of four law-related courses (12 credits) at the *graduate* level in other departments and programs at Boston College. Grades for courses taken in other BC departments (and at Boston University School of Law) will appear on the student's transcript, but will not be calculated into the law student's GPA. All courses taken outside of Boston College and the consortium (BU) will appear as transfer credits only. Neither the course title nor grades will appear on the BC transcript.

## I. Guidelines for Course Selection

A sound course of study requires careful planning. Students may therefore find it helpful to remember six important themes when choosing courses:

1. Create a base of substantive knowledge by taking introductory courses in a number of core substantive areas. Such areas include:
  - administrative law
  - business law (i.e. corporations, commercial law, and intellectual property)
  - constitutional law
  - criminal law and criminal procedure
  - environmental law and land use
  - evidence
  - international law
  - labor and employment law
  - tax
2. Develop specialized knowledge by taking a reasonable concentration of courses in one or two areas of particular interest.
3. Diversify the perspectives from which you study the law not only to satisfy the perspectives requirement but also by taking courses specifically designed to encourage broad thinking about the law.
4. Continue strengthening research and writing skills.

5. Sharpen practical skills by taking clinical courses, trial practice, mediation, negotiation, appellate advocacy, advanced research and writing, alternative dispute resolution and other courses that will teach you specific lawyering skills necessary to prepare for the successful practice of law.
6. Fulfill course requirements, including the required course on Professional Responsibility, for graduation and admission to the bar.

We encourage you to discuss your course selections with your advisors, your current professors and professors with expertise in particular areas of interest. You should also look at the National Conference of Bar Examiners website (<http://www.ncbex.org/>) to determine what subjects are tested on the MBE, and what subjects will be tested on individual state bar exams. Most jurisdictions also mandate the taking of the Multistate Professional Responsibility Examination [M.P.R.E.] as a prerequisite for sitting for a bar exam and for admission to practice law. Finally, some jurisdictions limit the number of "clinical" or co-curricular credits that may be applied toward a law degree. Information about these and other bar admission requirements is available at <http://www.ncbex.org/>.

## II. Course Offerings by Subject Matter

Any grouping of courses by subject is inexact. A subject-matter arrangement of courses is attempted in this handbook to give you an opportunity for a more organized glance at the curriculum than an alphabetical list of course names permits. However, the interrelationships among areas of law are complex; rarely does an issue touch only on a single subject area. Please consult the subject descriptions for a clearer picture of the full range of recommended courses in a particular field of interest. **Note that not all courses suggested below are offered every academic year. More detailed information about specific courses is available on-line.**

### A. Business Law: Commercial, Corporate, Labor and Employment, Taxation

This section provides some general advice about course selection for students interested in practicing business law. Although the advice provided here should be of general interest, the faculty recommends that students seriously interested in business law consult personally with professors about their particular course of study.

#### 1. Basic Courses

The faculty recommends that students gain exposure to general areas of law that consistently arise as part of modern business law practice. Accordingly, students are encouraged to take the following basic courses:

- Corporations
- Taxation I
- Commercial Law: Secured Transactions
- Intellectual Property Survey
- Employment Law

Those interested in a corporate or corporate transactions practice should also take Tax II and Securities Regulation.

#### 2. Courses to Increase Depth of Knowledge

Students interested in particular areas of business law may develop expertise by selecting from the following additional courses. Students should be aware that a number of the courses listed here should be taken only after one or more of the basic courses listed above have been taken. Students should consult with individual professors about background needed for these courses.

##### a) Commercial Law and Bankruptcy

- Banking Law
- Business Bankruptcy
- Consumer Bankruptcy
- Insurance Law
- Law of Money

- b) Corporate/Securities
  - Corporate Finance
  - Securities Regulation
  - Mergers and Acquisitions
  - Antitrust
  - Mutual Fund Regulation
  - Venture Capital Finance
- c) Employment Law
  - Employment Discrimination
  - Labor Law
  - Employee Benefits
- d) Intellectual Property
  - Copyright
  - Trademark/Unfair Competition
  - Patents
  - Technology Transactions and Licensing
  - Patent Litigation
- e) International Business
  - International Business Transactions
  - International Trade
  - Globalization and International Economic Development
  - International Arbitration
  - International Aspects of U.S. Income Tax
- f) Tax
  - Tax II (Corporate Tax)
  - Estate and Gift Tax
  - Estate Planning
  - International Aspects of U.S. Income Tax
  - Partnerships: Transactions, Planning and Taxation
  - Tax III (Advanced Corporate Tax)
  - Tax Policy Workshop

### 3. Advanced Theoretical and Practical Study in Business Law

Students can complete their studies by taking advanced courses that provide practical experience or advanced theoretical study. These courses are designed primarily for 3Ls who have already taken other courses from the business law curriculum and may in some cases have explicit prerequisites.

- Securities Regulation Seminar
- Advising the Business Planner
- Corporate Governance Seminar
- Business Negotiation
- Deals: The Economic Structure of Transactions
- The Theory and Practice of Business Decision-making
- Advanced Legal Writing: Transactional Practice

### **B. Experiential Learning: Clinics and Field Experiences**

Experiential education courses give students the opportunity to work on actual client matters under the supervision of a practicing attorney, a judge or a member of the faculty while learning about the ethical and practical dimensions of practicing law. The available programs offer a variety of settings and subject areas, and differing time and credit commitments.

The Massachusetts student practice rule allows third-year law students to represent indigent clients and government agencies in both civil and criminal matters, while second-year law students (who have completed successfully the 1L year) are limited to civil representation. The student practice rule requires that a student be taking or have successfully completed Evidence or Trial Practice. (The faculty has defined “successfully completed” as a grade of “C” or better.) Enrollment in all clinical courses is limited. Information on all of the clinical offerings is available from the Academic Services Office; information also appears on the Academic Services web site at “Clinical Education.”

Clinical courses are those in which students perform litigation or transactional activities in the representation of actual clients. Externship courses are those in which the students assist practicing lawyers in representing clients (such as providing support) or observe judges in litigation.

- Civil Litigation Clinic
- Community Enterprise Clinic
- Juvenile Rights Advocacy
- Housing Law Clinic
- Semester in Practice
- Attorney General Program
- Criminal Justice Clinic
- Judicial Process
- Immigration Clinic
- Federal Appeals Clinic
- BC Innocence Project
- Judge & Community Courts
- London Program
- Semester in Practice: International Human Rights

### **C. Criminal Justice**

All students should seriously consider taking courses in this area. Clients in civil matters often require advice about whether certain actions may bring exposure to criminal sanction. A background in criminal law is therefore valuable to all lawyers. The two basic offerings in this area are

- Criminal Law (which covers the substantive scope and definition of crimes and defenses to criminal charges) and
- Criminal Procedure (which covers the constitutional limitations on criminal investigations).

Advanced courses in this area include

- International Criminal Law
- White Collar Crime
- Federal Criminal Law
- National Security Law
- Prosecutorial Ethics
- Juvenile Justice Seminar
- Death Penalty
- Criminal Procedure: Adjudication
- Domestic Violence and the Law
- Mental Health Law

### **D. Dispute Resolution**

#### **1. Litigation**

All students should seriously consider taking Evidence. Students interested in litigation practice will find the following division of available courses helpful in pursuing further study. "Traditional" courses focus on case law, statutes and rules which govern litigation: the "substantive" knowledge of a litigator. The teaching method is primarily analysis of cases and rules in a classroom setting. Evaluation is usually done by written examination.

#### **Traditional – examples**

- Evidence
- Federal Courts
- Conflict of Laws
- Civil Rights Litigation
- Complex Civil Litigation

Simulation courses emphasize the skills and activities of a litigator and the primary teaching methods are mock exercises and role playing. The teacher provides models and critiques student performances and work product.

### Simulation - examples

- Trial Practice
- Advanced Evidence: Trial Objections
- Appellate Advocacy
- Family Law Practice
- Civil Motion Practice
- Civil Discovery Practice

### 2. Alternative Dispute Resolution

In recent years the legal system has come to rely to a greater extent upon dispute resolution mechanisms other than litigation. It is likely that any lawyer, whether in a litigation practice or not, will have occasion to participate in some form of Alternative Dispute Resolution procedures. Courses that offer exposure to these processes include

- Arbitration
- Dispute Negotiation
- International Arbitration
- Legal Interviewing and Counseling; *and*
- Mediation.

### E. Family Law

A student interested in practicing Family Law should start with the introductory Family Law course. Students in advanced study should also consider such courses as Child Parent and State, Trusts and Estates; Estate and Gift Tax, and Family Law Practice. The student might also consider the Civil Litigation Clinic as a significant portion of the problems handled at the Legal Assistance Bureau involves a range of domestic and family-related matters.

### F. Intellectual Property

Students interested in technology, entertainment, and publishing will find this area of particular interest. Students interested in general business law should also seriously consider taking a course in this area as the increasing importance of technology makes intellectual property part of every business. The Intellectual Property Survey course is a good place to start. Students intending to practice in the area should take:

- Copyright
- I. P. Practicum
- Patent Law
- Trademark/Unfair Competition
- Technology Transactions and Licensing
- Sports Law *and*
- Entertainment Law

### G. International and Comparative Law

The increasing globalization of society and the economy makes literacy in international law part of a modern lawyer's basic knowledge. In addition to the basic public international law course (International Law), offerings in the international and comparative field include:

- International Business Transactions
- Foreign Relations
- Comparative Law
- International Trade
- International Arbitration
- International Environmental Law
- International Criminal Law
- International Human Rights
- International Organizations
- Law of War, War Crimes and Genocide
- Globalization and International Economic Development
- International Civil Litigation
- London Program



## **H. Lawyering Skills**

Students must take a course that satisfies a lawyering skills requirement. Numerous courses develop lawyering skills in the context of studying substantive law or simulating lawyering activities such as interviewing, negotiation, research, drafting transactional documents and courtroom advocacy. A full list of courses meeting this requirement is available at registration and on the Academic Services web-site.

## **I. Legal History, Philosophy and Theory**

Courses in Legal History, Philosophy and Theory are not only an essential component of the education of a lawyer as a member of a learned profession, but can also be very practical courses for students who will be practicing law over a lifetime in which dramatic change in the legal system is a certainty. Students are required to take at least one course that explains the moral, philosophical and cultural premises underlying legal doctrines and how such doctrines can best be shaped and applied to promote a more just society. Some of the courses that meet this description are:

- American Legal History
- Anglo-American Legal History
- American Legal Theory
- Foundations of Western Law
- Feminism & the Law
- Jurisprudence
- Comparative Law
- Law & Literature
- Modern Legal Theory

Courses that satisfy the "Perspectives on Justice and the Law" requirement are listed on the Academic Services website.

## **J. Property**

### **1. Land Law and Environmental Law**

This area of modern legal practice includes a number of courses related to land use, land transactions, and environmental and natural resources issues which typically involve land utilization decisions. The basic courses in this area are Land Use Planning, Environmental Law, and a Real Estate Finance course. Administrative Law is likewise an important course because this entire area is deeply affected by regulatory controls. Local Government Law is an important course because many land use restrictions are controlled by municipal agencies. An extensive variety of further electives is available, including commercial leases and other commercial real estate practice, regulation of hazardous materials, air and water pollution law, housing law, compliance counseling for corporate clients, and an advanced environmental law seminar.

### **2. Estate Planning**

To prepare for a concentrated practice in real and personal property and wealth transfers, a student should plan to take the following general courses: Trusts & Estates, Estate & Gift Tax, and Estate Planning.

## **K. Public Law: Constitutional, Administrative and Legislative**

The major proportion of "law" in modern legal practice is today heavily weighted toward public law. Most functional law in virtually every area of practice is today dominated by rules made not by courts but by government bodies at all levels – local, state, federal, and even international. All law students should pursue sufficient studies in this area to feel comfortable with the processes of how laws are created and implemented in the modern administrative state. At least one course should give students direct experience in how complex regulations can be interpreted and applied to corporate or individual clients. Among the course offerings in these areas are

- Administrative Law
- Legislation and Regulation
- Environmental Law
- Immigration Law
- First Amendment
- Comparative Constitutional Law

- State Constitutional Law
- The Attorney General program, *and*
- Semester in Practice.

#### **L. Research and Writing**

Upper level courses that emphasize research and writing are valuable because they encourage deeper understanding of material and build valuable professional skills. A list of courses satisfying the upper level writing requirement is available at registration and on the Academic Services web-site.

#### **M. Graduate Level, Law-Related Courses**

A law student may take up to 12 credits of graduate level, law-related courses and apply those credits toward the student's law degree. Registration for these courses requires permission of each department. Those interested in taking a graduate level, law-related course should contact the Academic Services Office. Please note that, although graduate level, law-related courses will apply toward the 85 credits needed for graduation, only courses carrying an "LL" number in front of them will be included in the official law school GPA.

### **III. When Courses are Offered**

In applying the foregoing principles of course selection, students may also consider some principles by which the Law School determines course offerings. While most courses are offered in one section each year, numerous courses are offered more sporadically, such as on an every other year basis.

From time to time as legal, social and economic developments warrant, the Law School develops new courses and terminates others. For these reasons and general contingencies such as teaching coverage, students should appreciate that not all of the foregoing courses will be offered in the semesters or with the frequency mentioned and others may be added. That said, this information may be useful in selecting courses.

First, required courses usually are offered in *three or more sections each year*. For 2014-2015, these courses are Constitutional Law II and Professional Responsibility. In addition, while many courses satisfy the upper level writing and/or the lawyering skills requirements, a number of courses focus on Advanced Legal Writing or Advanced Legal Research. Multiple sections of these courses are offered each semester.

Second, some courses attract such large numbers of students that they usually are offered in *three sections each year*. Typically, these courses are Corporations and Evidence.

Third, some courses attract such significant numbers of students that they usually are offered in *two sections each year*. These include IP Survey, Criminal Procedure, Secured Transactions, Tax I, Trusts and Estates, Mediation and Dispute Negotiation. Sometimes, courses that usually are offered in two annual sections are offered once per year.

Fourth, many courses of a specialized or advanced nature are of interest to smaller numbers of students and therefore are generally offered *once every two years*. Offering some smaller enrollment courses once every two years allows the law school to maximize its curricular offerings in light of limited resources. Based upon recent history and current expectations, the courses on an every other year schedule are set forth below. These predictions may change based on availability of an instructor.

Courses usually offered in academic years ending with an even number: American Indian Law; Art of Lawyering and the Commercial Lease; Church and State; Environmental Law: Clean Water Act; Mental Health and the Law; and Sexuality and the Law.

Courses usually offered in academic years ending with an odd number: Admiralty Law; Compliance and Performance Counseling; Federal Government Contracts; Food and Drug Law; International Arbitration; Patent Litigation; Professional Responsibility: Prosecutorial Ethics; Seminar on Law and Higher Education; Public Finance; and White Collar Crime.