

MEMO TO: All 2Ls and 3Ls  
FROM: Ron Wright, Associate Dean for Academic Affairs  
DATE: 12 October 2009  
SUBJECT: Registration for Spring 2010

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Now that we have reached the halfway point in the Fall semester (give or take a few days), the time has arrived to lay out your academic plans for the Spring 2010 semester. The 3L students will register on 26-27 October, followed by the 2L students on 29-30 October.

Our lineup of courses for Spring 2010 is mostly settled, although a few details in the schedule and in the list of courses offered may change. Check the Registrar's web site regularly for updates before the time for registration arrives.

In this memo, I will highlight some of the newer items on the academic lineup. I will also remind you about the academic rules you need to follow to complete your Wake Forest law degree. For more details, consult the Student Handbook and the resources available on the Registrar's web site.

The comments below can help you build a better schedule for the Spring 2010 semester, but this memo is not a complete blueprint. You should rely on members of the faculty to guide you. Be sure to contact your academic advisor and any other faculty member with special knowledge of your situation or special expertise in the areas you are considering for study. Consult broadly before you register!

## COMMENTS ON COURSES THAT YOU MAY BUILD INTO YOUR ACADEMIC PLANS

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### 1. CONCENTRATED FORMAT COURSES

Several courses will be offered during the Spring 2010 semester in a "concentrated format" — that is, the class will meet fairly often during a small portion of the semester, allowing students to complete their work well before the end of the semester.

**Suing the Government: The Nuts and Bolts of Civil Rights Litigation under 42 U.S.C. § 1983, Course # 625.** This two-credit class will meet six hours per week, between 11 January and 5 February. This “capstone” course will provide students with a working knowledge of civil rights litigation under 42 U.S.C. § 1983. Students will learn the types of actions that may be brought under § 1983, as well as the types of defendants against whom such actions may be brought. The doctrines of absolute immunity and qualified immunity that individual defendants may assert in § 1983 actions will also be examined. The relief that plaintiffs may obtain in § 1983 actions will also be discussed. Students will be provided the opportunity to work on problems from actual cases. Students will draft pleadings, engage in discovery, and draft dispositive motions. There will be no final exam. The course satisfies the Practical Skills requirement. Professor Laura Kidwell (see item #3 below) will team-teach the course with Professor Wilson Parker.

**International Criminal Law, Course # 627.** This two-credit class meets four hours per week, between 11 January and 25 February. Professor Simona Pinton from the University of Padua (see item #3 below) will teach this course. This class exposes students to the concepts and enforcement of international criminal law. The class will consider the interplay of international criminal law and other bodies of law (human rights law; humanitarian law; and the influence of the common law and civil law traditions on international criminal law). Students will explore the so-called “Nuremberg” crimes (war crimes, crimes against humanity, genocide, and aggression) and then other international/transnational crimes, such as acts of terrorism. The course then considers the development of national, international and hybrid mechanisms for international criminal law enforcement, including international criminal tribunals and national prosecution. The course will end with an analysis of alternative paths to criminal justice, considering amnesties, truth and reconciliation commissions, and others. Some of the classes will include video recorded pieces of trials, and recorded interviews of practitioners working for international courts and tribunals.

**Law and Terrorism, Course # 655.** This one-credit class meets two hours per day, every day, from 15 March through 20 March (note that 20 March is a Saturday). Professor Bobby Chesney (see item #3 below) will teach this course; you can get a sense of the topics covered by consulting the description on the web site list of courses.

## 2. OTHER NOTEWORTHY COURSES

The class schedule next semester includes a number of relatively new courses, along with some older courses that we have not offered recently. These courses have not developed a reputation yet, so you are venturing into new territory when you enroll. Have courage! These are accomplished teachers who will explore new places with you.

You can find a description of these courses, along with more familiar courses, online at <http://www.law.wfu.edu/academics/courses>.

**Criminal Procedure, Selected Topics, # 500.** The topic for this course is criminal sentencing, with particular attention devoted to the federal sentencing guidelines. The class meets once per week during the semester. At least once during the Spring, the entire class will be required to travel to Charlotte for observation of criminal sentencing proceedings and discussions with practitioners. Because of the extra time commitment connected with the Charlotte observations and discussions, the course carries three credits even though the Monday night class sessions at the law school only last for two hours. Professor Robert Conrad (see item #2) will teach the course.

**Real Estate Finance, # 539.** This course examines complex real estate transactions and the specialized issues that arise in the financing of those sales and developments. I list the course here because, for the first time, the course carries no prerequisites other than the first-year Property course.

**Business Drafting, # 541.** This course offers one of the three available methods to satisfy the LRW III requirement (the other two are Appellate Advocacy and Litigation Drafting). Section 5 will be open to 3L students. Sections 3 and 4 will be open (at least initially) only to 2L students, and those sections will satisfy the LRW III requirement.

**Employee Benefits and Pension Law, # 546.** Professor William McMahon (see item #3 below) is the instructor for this course, which returns to the curriculum after an absence of a few years. Here is his description of the course: “With numerous individuals’ retirement accounts wiped out in the midst of our nation’s worst recession since the Great Depression, coupled with an animated debate over healthcare, employee benefits has never been more relevant or in demand from a legal practice standpoint. In this course, we will examine in depth the primary law governing employee benefit plans—the Employee Retirement Income Security Act of 1974 (“ERISA”)—as well as relevant provisions of the Internal Revenue Code (“IRC”) governing plans. Whether you are anticipating a litigation or transaction oriented practice, this course will illustrate how employee benefits law permeates the practice of law today and help you learn to apply many of the principles learned in employment law, tax, securities, family law, and estate law in the ever-increasingly important context of pension and healthcare plans.”

**Children and Domestic Violence, # 563, and Children’s Law Externship, # 520.** The seminar, Children and Domestic Violence, is a 2-hour course that combines a seminar and field work. The 1-hour externship provides additional experience in the field work of the seminar. For both of the courses, students will find it much easier to meet all expectations if they have at least one morning during the week when they have a block of time available for field work (other than Wednesday,

since no domestic violence proceedings are scheduled on Wednesday mornings). Students can take 563 alone, or can combine 563 and 520.

**Trial Practice, # 610.** This course is not new, but I want to alert you to a change in the method for evaluating students. In the past, the instructor for each section of the course had to meet a required average of 86. This year, all the sections offered in the same semester will be pooled to meet the required average of 86.

**Family Law, Selected Topics, # 617.** Students in this course review and discuss documents relevant to complex family law proceedings, asking about the legal strategies and insights built into those documents. Based on this review of documents, the students consider the connections between legal theory, sociological realities, and the practical needs of particular students. The students meet for the first few weeks of the semester in Room 1303, and later at the Winston-Salem offices of the instructor, Professor Joslin Davis.

**Innocence and Justice Clinic, # 622.** This is one of our newer clinical offerings, and the capacity of the course is set at 8 students.

**Great Jurists Seminar, # 623.** This seminar will study the collected writings of individual justices in an effort to determine if there is a common perspective that informs the justice's view of constitutional interpretation and the judge's role. Constitutional Law I and II are a prerequisite, as a working knowledge of constitutional doctrine is assumed. The course will begin with an exploration of the biographer's role and an examination of the psychology of decision making. The class will then consider John Marshall as a case study. Students will select a justice to research and present their findings to the class. This is a paper course; there is no final exam. The class meets for two hours on Wednesdays; additional meetings to view and discuss videos account for the third credit hour.

**Contract Theory Seminar, # 624.** Dean Morant will teach this seminar. The reading and discussion cover a variety of theories offered to explain the doctrines of contract law.

**Church, Law and Ethics, # 626.** This course is jointly listed with the Divinity School, and it meets in Wingate Hall. Professor Nickles, who teaches the course, describes it in these words: "A church, as a going enterprise, is akin to a business. A church organizes as a legal entity; gathers income and works to reduce costs; owns property; employs workers; provides services to the public; advertises; makes contracts with suppliers of goods and services; accounts to government; and is accountable to strangers who are injuriously affected by the church's management of its property and the conduct of its clergy. Business and all other areas of secular law generally, typically apply fairly equally to for-profit and not-for-profit enterprises, including churches. This course explores the most important pieces of this law as applied to churches. An equal purpose is to expose and examine how this law treats churches and clergy differently—more

or less demandingly. It is here—at the points of legal difference—that we can see how society truly values religion in relation to other interests that compete for the attention, primacy, and recourses of people and government.” You can find a more complete description of the course in a document posted on the Registrar’s web site.

**Motor Carrier Law, # 629.** Students in this class will survey the regulatory schemes affecting motor carriers (various forms of trucking companies), including U.S. Department of Transportation and Federal Motor Carrier Safety Administration regulations, state law requirements for conducting business in each different state, and local laws restricting the movement of ground freight. The readings also give students an historical perspective on this multi-layered regulation. An overarching theme of the class will illuminate the complex legal and business issues that arise when multiple tiers of government have power to regulate an industry. This theme is not unique to the trucking industry; it also applies to banking and finance, communications, and energy, to name a few. Students in this course will apply skills and analysis developed in other courses to envision the challenges that lawyers face in representing clients with complex problems: in this sense, the course offers a “capstone” educational experience. The instructor is David Yarbrough (see item #3). Faculty approval of this course is still pending.

### 3. NEW MEMBERS OF OUR FACULTY

In the coming semester we will welcome to our faculty a number of new teachers and scholars. Some of these will be distinguished “visitors,” who will teach full-time here at Wake Forest for periods ranging from two weeks to two years, while taking a leave of absence from some other law school or from their legal practices. Others will be new “adjunct professors,” that is, practicing lawyers who teach courses in their areas of specialty.

**Professor John Babcock.** Professor Babcock is a partner with Wall, Esleeck, Babcock, LLP. He represents clients in corporate, tax, and securities law matters, mergers and acquisitions, and commercial business transactions. For further background about his legal practice, see [http://www.webllp.com/john\\_babcock.html](http://www.webllp.com/john_babcock.html).

**Chief Judge Robert Conrad.** Professor (and Chief Judge) Conrad graduated from the University of Virginia School of Law in 1983. He served as an Assistant U.S. Attorney and as the U.S. Attorney for the Western District of North Carolina. He was confirmed in 2005 as a U.S. District Court Judge; his chambers are in Charlotte.

**Professor Jay Kesten.** Professor Kesten serves as a Visiting Assistant Professor of Law at Wake Forest. He taught International Business Transactions in the Fall semester, and will teach Securities Regulation in the Spring. This course falls squarely within his specialty, based on his legal practice in Boston and his academic research in the corporate and securities areas.

**Professor Laura Kidwell.** Professor Kidwell is a graduate of Wake Forest University School of Law. She practices law in Tennessee, where she works for the office of the state's Attorney General. She will take a month-long sabbatical from her legal practice to serve as the law school's "Practitioner in Residence" for this academic year.

**Professor William McMahon.** Professor McMahon is a 2005 graduate of Wake Forest School of Law. He works in the Winston-Salem offices of Constangy, Brooks & Smith, LLP, advising clients on matters relating to employee privacy, employee benefits, and unfair competition. For further background about his legal practice, see <http://www.constangy.com/people-62.html>.

**Professor Matthew Phillips.** Professor Phillips received a law degree at Wake Forest School of Law, a Master of Divinity degree at Duke University, and a Bachelor of Arts degree in economics at Wake Forest. He practiced law with a Winston-Salem law firm as a tax attorney for several years before returning to Wake Forest to serve in the university administration. He is the executive director of strategy and operations in the Office of University Advancement.

**Professor Simona Pinton.** Professor Pinton teaches at the University of Padua in Italy, where her specialties include International Human Rights and International Criminal Law. After receiving her academic training in Italy, she earned an LL.M. degree from the University of California, Berkeley. Professor Pinton has played a central role for several years in the Wake Forest School of Law summer program in Venice. She will serve as a Visiting Professor of Law at Wake Forest for the months of January and February.

**Professor Robert Chesney.** Professor Chesney held a full-time position on the law faculty at Wake Forest until last year, when he departed for his native Texas to teach at an obscure law school in Austin. He returns to Wake Forest this semester to teach a concentrated format course in his specialty area, Law and Terrorism.

**Professor David Yarbrough.** Professor Yarbrough graduated from the Tulane Law School in 2002, and clerked with Judges Mullen and Voorhees in the Western District of North Carolina in 2002 and 2003. After working with a Greensboro law firm as a bankruptcy attorney for several years, he took a position with his family business, Yarbrough Transfer Company in Winston-Salem.

#### 4. MULTIPLE SECTIONS OF UPPER-LEVEL COURSES

Whenever our circumstances allow, we like to reduce class size in our large, upper-level courses by devoting extra teaching resources to extra sections. In the coming academic year, we offer three or more sections in several courses: Appellate Advocacy, Business Drafting, Constitutional Law II, Criminal Procedure, Decedents' Estates and Trusts, Evidence, Legislation and Administrative Law, Professional Responsibility, and Trial Practice. You can choose between two sections in Advanced Trial Practice, Business Organizations, Community Law and Business Clinic, Elder Law Clinic, Family Law, Federal Jurisdiction, Innocence and Justice Clinic, Litigation Clinic, Sales, Secured Transactions, and Taxation: Federal Income.

#### 5. PASS/FAIL OPTION

You can take certain courses on a pass/fail basis; a list of eligible courses appears at the end of this memo. Please note that this list is subject to change. If you want to take a course on a pass/fail basis you will have to sign up for it on that basis as part of the registration process.

The pass/fail option is subject to certain limitations. You may not take more than three hours of course work on a pass/fail basis in any one semester, and you may not take more than seven hours of credit on a pass/fail basis over the entire span of your law school career. The seven-hour limit for ungraded credit includes participation in moot court, trial team, or law review activities. Any credit you earn in other units of the university, such as the Babcock School, the Divinity School, or the Graduate School, will count as pass/fail credits.

#### 6. CREDIT FOR GRADUATE COURSES TAKEN ELSEWHERE IN THE UNIVERSITY

A law student who is *not* enrolled in a dual degree program may, with the approval of the Executive Associate Dean for Academic Affairs, earn up to four credit hours in the Babcock School, the Divinity School, or the Graduate School, to be credited toward the J.D. degree. Law students must obtain the permission from the professors who teach the selected courses. These courses will be graded on a pass/fail basis. Credits earned under this program *will count* toward the seven hours of pass/fail credit allowed for the J.D. degree. An approval form can be obtained from the Registrar's Office in the law school.

## 7. INDEPENDENT RESEARCH PROJECTS

Independent research projects under the supervision of a professor carry either one hour of credit (Independent Study 505) or two hours of credit (Independent Study: Intensive 605) per semester, depending on the nature of the project. No student may earn more than a total of three independent study credits in all, and no more than two credits on a single project, or from a single professor. These projects are graded on a pass-fail basis.

## COMMENTS ON COURSES YOU *MUST* INCLUDE IN YOUR ACADEMIC PLANS

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## 8. LEGISLATION AND ADMINISTRATIVE LAW

All 2Ls should remember that Legislation and Administrative Law is a required course that must be taken during the 2L year. The other required courses in the upper-level curriculum (Evidence, Constitutional Law II, and Professional Responsibility) give you the option to wait until your third year. Legislation and Administrative Law is different: the faculty has concluded that Legislation and Administrative Law serves as a foundation for so many other subjects that you should complete it during your second year.

## 9. LEGAL RESEARCH AND WRITING III REQUIREMENT

You have three options to complete the LRW III requirement: 553 Litigation Drafting, 541 Business Drafting, or 219 Appellate Advocacy.

You can take more than one of these courses, using the first to satisfy the LRW III requirement, and the other to satisfy some separate requirement, such as the upper-level writing requirement, or the practical skills requirement. One course cannot satisfy more than one requirement simultaneously. For instance, if you enroll in 541 Business Drafting to satisfy the LRW III requirement, you will need to take some other course to satisfy the practical skills requirement.

This “no double dipping” principle applies to any course that you use to satisfy the upper-level writing requirement, the practical skills requirement, and the LRW III requirement. You must complete a separate course to satisfy each of these requirements.

## 10. UPPER-LEVEL WRITING REQUIREMENT

All students must, at some point during their second or third year, take a course that involves a substantial writing requirement. A comprehensive list of the relevant courses appears at the end of this memo (although not all of the courses are offered this academic year).

If you sign up for one of these courses for the purpose of satisfying the writing requirement, you should notify the instructor at the beginning of the term. You may not take that course on a pass/fail basis. When you complete the course, the instructor will grade your paper and will make a separate determination about whether the paper satisfies the writing requirement. It will be presumed that the paper satisfies the requirement if it receives a grade of 73 or higher, but the instructor may announce at the beginning of the course that (1) a higher grade will be required before the paper is certified, or (2) the certification of the paper for the writing requirement will be independent of the grade received in the course.

Note that the writing requirement cannot be satisfied by an independent research project under the supervision of a professor (see Item #7 above), or by writing projects in connection with law review, moot court, or other student activities. Such projects must be undertaken on a pass/fail basis.

You will need to register for course number 800-0, Upper-Level Writing Requirement, if you plan to satisfy the writing requirement in the Spring 2010 semester. You will also need to have the supervising professor sign the appropriate form at a later date and return it to the Registrar's office.

## 11. PRACTICAL SKILLS REQUIREMENT

The standards of the American Bar Association now require that every law student at an accredited U.S. law school must take at least one "practical skills" course. The courses in our curriculum that satisfy this requirement are listed on the course website at <http://www.law.wfu.edu/academics/courses>.

2009-2010 COURSES THAT CAN BE TAKEN ON A PASS/FAIL BASIS

- 208 Real Property Security
- 212 Taxation: Estate and Gift
- 502 Jurisprudence
- 505 Independent Study
- 508 Family Law
- 517-2 Sales (Spring 2010 Only)
- 522 Intellectual Property Law Journal—Staff
- 525 Health Care Law and Policy
- 536 Land Use Regulation
- 547 Moot Court Problem Book
- 549 Appellate Advocacy [Moot Court Competitions]
- 556 Taxation: Corporations and Shareholders
- 573 Sports Law
- 577 International Business Transactions
- 581 Native American Law
- 595 Law Review
- 605 Independent Study: Intensive
- 614 Taxation: Research
- 615 Trial Practice [National and AAJ Trial Teams]
- 616 Legislative and Administrative Law Research
- 618 Intellectual Property Law Journal—Editorial Board
- 620 Securities Regulation
- 621 Estate Planning
- 630 Taxation: Taxation of Partnerships
- 645 Mediation
- 653 Corporate Governance and Professional Responsibility
- 656 International Environmental Law
- 657 Biotechnology Law and Policy
- 850 Independent Research and Thesis
- 851 Introduction to American Law
- 852 Scholarly Writing for International Lawyers

COURSES THAT WILL SATISFY  
THE UPPER-LEVEL WRITING REQUIREMENT

- 403 Conflict of Laws
- 500 Criminal Procedure: Selected Topics
- 501 International Law
- 502 Jurisprudence
- 504 International Civil Litigation
- 507 Poverty Law
- 510 Local Government
- 512 Environmental Law
- 519 Law, Literature, and Culture
- 525 Health Care Law and Policy
- 530 Natural Resources
- 535 Legal History—American
- 541 Business Drafting
- 542 Taxation: International
- 544 Taxation Policy
- 545 Patent Law
- 557 Taxation: Corporate Reorganizations
- 558 Immigration Law: Selected Topics
- 563 Children and Domestic Violence
- 565 Dispute Resolution
- 566 National Security Law
- 572 European Union Law
- 578 Race and the Law
- 581 Native American Law
- 583 Comparative Law
- 584 Freedom of Religion Under the Constitution
- 589 Law and Valuation
- 590 Comparative Constitutional Law
- 602 The Civil Law Tradition
- 623 Great Jurists Seminar
- 642 Animal Law
- 643 Civil Rights Remedies
- 647 Gender and the Law
- 651 Sexuality, Religion and the Law
- 655 Law and Terrorism
- 657 Biotechnology Law and Policy

In addition, courses taken during our summer programs in London, Venice, or Vienna will often satisfy the writing requirement.