

# Chapter 4 Curriculum – Juris Doctor Program

## Program Offered

ASL offers a sequence of courses designed to lead to a Juris Doctor degree. Requirements for the degree for students entering in the Fall of 2020 and after include completion of ninety-two semester credits, including a summer externship, and six semesters (or the equivalent thereof) in full-time residence. In addition, a student must obtain a cumulative grade point average for all courses that is 2.3000 or higher in order to graduate. Contemporaneous with the time the academic requirements are completed, the J.D. degree is conferred.

ASL provides an academic community dedicated to creating an exciting, civil, and responsible educational environment. ASL offers a rigorous program for the professional preparation of lawyers by a nationally recruited, well-qualified, and diverse faculty which is particularly committed to a high level of student instruction in substantive law, professional responsibility, and practice skills. The faculty also emphasizes scholarship and community service while modeling excellence, integrity, and independence in the best traditions of the legal profession.

## Curricular Learning Objectives

Beginning with the 2021 – 2022 academic year, ASL adopted the following Curricular Learning Objectives:

1. Demonstrate knowledge and understanding of substantive and procedural law;
2. Demonstrate legal analysis, legal reasoning, legal research, problem-solving, and communication skills;
3. Demonstrate proper professional and ethical responsibilities;
4. Demonstrate professional skills needed for competent and ethical participation as a member of the legal profession in the Appalachian region and beyond; and
5. Demonstrate, develop, and embrace a sense of civic responsibility and leadership by working to address community needs and problems.

## Prescribed Curriculum -- Full-time Students – J.D. Program

Students beginning their first year at ASL in the fall semester<sup>1</sup> typically take required courses in Civil Procedure; Contracts I & II; Criminal Law; Legal Process I & II; Property I & II; Introduction to ASL Legal Studies; Introduction to Externship; Intentional Torts; and Negligence.

Students typically complete the required Externship course during the summer after their first year. Students also must successfully complete the following required upper-level courses prior to graduation: Bar Essays: Strategies and Skills or Virginia Civil Procedure & Practice (for VA bar takers); Bar Subject Review I & II; Constitutional Law I & II; Criminal Procedure; Evidence; MBE: Strategies and Skills; 8 credit hours of Practicum courses (at least two hours of which must satisfy the Upper-Level Practicum Writing Requirement); Professional Responsibility; and a Seminar.

Prior to graduation from ASL, students also must satisfy three upper-level writing requirements. First, students must successfully complete the Seminar Writing Requirement (courses designated as “Seminar” or “S”), which requires the student to complete an expository or argumentative research paper of at least twenty pages in length, not including endnotes or footnotes. Most students satisfy the Seminar Writing

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<sup>1</sup> See below for information for students who begin their first year in the spring semester.

Requirement by completing one of the Seminar courses although some students satisfy the requirement through work on Law Journal, Moot Court, or Independent Study.

Second, all students must successfully complete at least two credit hours designated as satisfying the Practicum Upper-Level Writing Skills Requirement (courses designated as “practicum writing” or “PW”). The purpose of this Requirement is to ensure that all students receive substantial exposure, beyond the first-year Legal Process courses, to the types of writing and drafting that attorneys typically encounter in the practice of law. For a course to satisfy the Upper-Level Writing Skills Requirement, writing or drafting assignments must comprise at least a quarter of the work for the course. Courses that satisfy the Requirement will be designated by the Dean and the Chief Academic Officer.

Finally, all students must successfully complete either Appellate Advocacy or Legal Writing with a Purpose I and II. Appellate Advocacy requires the drafting of a complete appellate brief and is completed in one semester. Legal Writing with a Purpose requires weekly writing projects similar to those typically required by newly-licensed practicing lawyers. Legal Writing with a Purpose is completed in two semesters.

Prior to graduation, a total of 92 credit hours of course work must be completed in compliance with the curricular structure established by the faculty. Please see Appendix H for the current ASL graduation worksheet, which will assist you in planning to meet ASL’s graduation requirements.

The sequence in which courses are taken changes from time to time and may change during a student’s period of studies at ASL.

## Spring-start Students

Students beginning their first year at ASL in the spring semester typically take Introduction to ASL Legal Studies; Civil Procedure; Criminal Law; Legal Process I; Negligence, and other courses as available during their first semester. The summer following the student’s first semester, the student may enroll in additional courses for which they have completed the pre-requisites. In the following fall, in addition to taking Constitutional Law I and Legal Process II, the student will join the incoming fall class in Contracts I; Intentional Torts; and Property I. In the following spring, students will take Contracts II, Property II, and Introduction to Externship.

The sequence in which courses are taken change from time to time and may change during a student’s period of studies at ASL. Please see Appendix H for the current ASL graduation worksheet, which will assist you in planning to meet ASL’s graduation requirements.

## Reduced-load Students

ASL does not have a part-time program. Special permission from the Chief Academic Officer is required to enroll in less than 12 credit hours in a semester. Permission to take less than a full load of courses will only be granted in exceptional circumstance and where students can demonstrate that they will still be able to graduate in a timely manner.

## Community Service

ASL’s mission is to develop professionals who will serve as community leaders and community advocates. ASL provides a unique program of mandatory community service that students may complete in a variety of ways. As a requirement for graduation from ASL, each student must complete 25 hours of community service each semester. During their first semester in law school, students satisfy this requirement by taking the mandatory Introduction to Community Service class.

As just a few examples of direct community service provided by members of ASL community, Law students have volunteered with the Buchanan County Commonwealth's Attorney, students have tutored and mentored in the public school system, students have assisted Buchanan County by providing property research for the Great Eastern Trail and Spearhead Trail project, students have assisted the Buchanan County Humane Society and volunteered with the Volunteer Income Tax Assistance ("VITA") project. Students and faculty may create alternative service projects as well. For example, students have worked at a food bank, created personnel policies and a pay plan for a small town, coached a high school athletic team or other clubs, worked at a local nursing home and worked as child advocates in the court system.

## Externship Programs & Clinics

### First-Year Externships

Since its inception, Appalachian School of Law has distinguished itself from other law schools by providing our students with practical legal experience well before graduation. ASL's Externship Program is a central part of the school's commitment to equipping students with practical lawyering skills. The externship also gives our students a chance to network and make connections that may aid students in their future law careers. During their externships, students may:

- Assist with trial strategy
- Draft judicial opinions
- Draft pleadings and legal memoranda
- Interview clients
- Observe court proceedings
- Perform factual investigations
- Research legal issues
- Update law libraries
- Assist in representing real clients
- Practice client interviewing
- Mediate disputes & apply Alternative Dispute Resolution techniques
- Hone courtroom presentation and evidentiary techniques

Normally completed between their first and second years of school, all ASL students earn two hours of academic credit by spending at least 200 hours working under the supervision of an experienced attorney. This allows our students to take what they have learned in the classroom and apply it while working in various legal offices during the summer. This experience then informs and transforms their remaining studies at ASL. In addition, students are also required to earn one hour of academic credit by completing the externship classroom component, Introduction to Externships, which must be completed prior to their field placement.

### Clinics

ASL Students are encouraged to participate in clinical experiences while on campus. Clinical options on campus include the Medical-Legal Partnership Clinic, and Advanced Appellate Advocacy Clinic—Prosecutorial. Other opportunities for clinical-type experiences include Buchanan County Legal Clinic and Volunteer Income Tax Assistance (VITA) Clinic.

## Summer/Intersession Courses

Courses may be offered in summer intersessions, as student interest and faculty availability allows. Intersessions are condensed format courses offered for academic credit. Specifics on summer session offerings and registration will be made available during the spring semester. Some topics offered during past intersessions include: Business Organizations, Contract Drafting, Doing and Undoing Environmental

Regulations, Information Privacy Law, Insurance Law, Juvenile Practice, Law Office Management, Legal History, Marijuana Law and Policy, Poverty, Health, and Law: Medical-Legal Partnerships, , and Workers' Compensation.

## The J.D. Certificate Programs

By focusing their upper level studies in specific areas of legal education, students pursuing a J.D. degree may earn a certificate in one of four areas of study: Civil Litigation, Criminal Law & Litigation, Family Law, or Natural Resources Law. These certificates inform prospective employers that a student's legal education, in addition to fulfilling the general requirements necessary to receive the Juris Doctorate, has been concentrated in a specific practice area. ASL's certificates are awarded to students who fulfill the requirements established for each program. Students who earn Certificates will have this credential noted on their permanent academic records.<sup>2</sup>

### Requirements Common to all Certificate Programs:

All Certificate programs require students to maintain a 3.0 (B) average in all courses that satisfy the Certificate requirements. This includes courses that are part of the Certificate program but are also required for graduation. For example, Evidence is a required course for all students, but it is also specifically required for the Criminal Law & Litigation Certificate, Civil Litigation Certificate and Family Law Certificate. Therefore, the student's grade in Evidence will be counted as part of the required 3.0 average for students earning a Criminal Law & Litigation Certificate, Civil Litigation Certificate, or a Family Law Certificate, but not a Natural Resources Law Certificate.

The Director of each Certificate Program, with the concurrence of the Chief Academic Officer, may authorize substitutions for Certificate requirements, in extraordinary circumstances.

### CIVIL LITIGATION CERTIFICATE

<b>CIVIL LITIGATION CERTIFICATE</b>	
<b>Required courses (also required for graduation):</b>	<b>Credit Hours:</b>
Civil Procedure	4
Evidence	4
<b>Additional required courses:</b>	
Appellate Advocacy—any section	3
Trial Advocacy	4
Pretrial Practice (P)	4
<b>4 credit hours of electives from:</b>	
Remedies	3
Virginia Civil Procedure & Practice	4
Conflicts of Laws	3
Dispute Resolution (P)	2
<b>Practical or Writing Component:</b>	
One year participation on Moot Court Team or Mock Trial Team (requires at least one interscholastic competition)	0-2
<b>Total Required Credit hours</b>	<b>23-25</b>

<sup>2</sup> Certificates in the J.D. program are awarded only for coursework completed during a student's matriculation; however, a J.D. student who falls a few hours short of receiving a certificate in the J.D. program may opt to receive a post-J.D. professional certificate by completing the remaining courses needed to meet the credit hour requirement for the professional certificate at the standard per credit hour tuition rate in effect at the time of enrollment.

The Civil Litigation Certificate Program is directed by Prof. Tom Scott.

#### CRIMINAL LAW & LITIGATION CERTIFICATE

<b>CRIMINAL LAW &amp; LITIGATION CERTIFICATE</b>	
<b>Required courses (also required for graduation):</b>	<b>Credit Hours</b>
Criminal Law	3
Criminal Procedure	3
Evidence	4
Externship (must be with Prosecutor, Public Defender, Judge, or Attorney General's Office)	2
<b>Additional required courses:</b>	
Appellate Advocacy—Criminal Law Section	3
Trial Advocacy	4
<b>6 hours of electives from:</b>	
Virginia Criminal Law & Procedure	2
Criminal Practice (P)	4
Prosecution Project	2
Mental Health in the Criminal Justice System (P)	2
Dispute Resolution (P)	2
Negotiations in the Criminal Justice System (P)	2
Post-Conviction Relief (S)	2
Moot Court	1-2
<b>Practical or Writing Component:</b>	
120 hours of 3 <sup>rd</sup> -year practice in the office of a Public Defender or Prosecutor	0
<b>Total Required Credit Hours</b>	<b>25</b>

The Criminal Law & Litigation Certificate Program is directed by the Hon. Larry Elder.

#### FAMILY LAW CERTIFICATE

<b>FAMILY LAW CERTIFICATE</b>	
<b>Required courses (also required for graduation):</b>	<b>Credit Hours:</b>
Evidence	4
<b>Additional required courses:</b>	
Family Law	3
Family Law Practice (P)	2
<b>8 credit hours of electives from:</b>	
Assisted Reproductive Technology Law (S)	2
Dispute Resolution (P)	2
Estate Planning (P/W) (Wills & Estates is prerequisite)	2
Juvenile Practice (P)	2
Poverty, Health, & Law: MLPs	2-3
Pretrial Practice (P)	4
Real Estate Transactions (P) (Contracts I & II and Property I & II are prerequisites)	2
Trial Advocacy (P)	4
Wills & Estates	2

<b>Practical or Writing Component:</b>	
Students are required to complete one of the following:	
Complete CASA training and earn 75 hours of credit in the CASA program	0
Work in the MLP Clinic for two semesters (Poverty, Health, & the Law is prerequisite)	1-2
Approved externship or 3 <sup>rd</sup> -year practice in the field of family law with completion of at least 75 hours	0
<b>Total Required Credit Hours</b>	<b>17-19</b>

The Family Law Certificate Program is directed by Assoc. Dean of Students Shelly James.

## NATURAL RESOURCES LAW CERTIFICATE PROGRAM

<b>NATURAL RESOURCES LAW CERTIFICATE</b>	
<b>Required courses (also required for graduation):</b>	<b>Credit Hours:</b>
Property I and II	5
<b>Additional required courses:</b>	
Natural Resources Law & Policy	3
Environmental Law & Policy	3
<b>6 credit hours of electives from:</b>	
Administrative Law	3
Energy Law & Regulation	2
Mineral Title Examination (P)	1-2
Natural Resources: Why Lawyers & Engineers Need Each Other (P) (dual enrollment with Va Tech)	3
Regulation of Energy Utilities	2
Solar Energy Law (S)	2
Space Law & Policy (S)	2
Sustainable Energy Law Practice (PW)	4
<b>Substitutes: Up to 3 of the required 9 hours may be substituted by:</b>	
Moot Court Team (Pace National Environmental Law Competition or West Virginia National Energy Law Competition)	2
Independent Study on approved topic	1-2
<b>Practical or Writing Component:</b>	
Completion of a publishable-quality note (in addition to any writing requirements of any course within the Certificate-qualifying courses) *Students may earn credit hours for the note if written in conjunction with a credit-granting course or activity such as Law Journal. Whether to accept this “double dipping” is at the discretion of the Program Director.	0*
<b>Total Required Credit Hours:</b>	<b>17</b>

The Natural Resources Law Certificate Program is directed by Assoc. Prof. Mark “Buzz” Belleville.

### Credit Hour Policy

In compliance with ABA Standard 310, ASL requires 42.5 hours of student work per credit in all courses and other credit-bearing academic activities. Pursuant to Standard 310, a “credit hour” is “an amount of work that reasonably approximates . . . not less than one hour of classroom or direct faculty instruction and two hours

of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” Academic activities such as simulation, field placement, clinical, and co-curricular courses require “at least an equivalent amount of work.”

For purposes of this Standard, 50 minutes suffices for one hour of classroom or direct faculty instruction. An “hour” for out-of-class student work is 60 minutes. Furthermore, time devoted to taking a required final examination may count toward the in-class time requirement and time devoted to preparing for a required final examination may count toward the out-of-class time requirement.

ASL typically operates on a 14-week semester, followed by a final examination period, in fall and spring semesters. One credit hour is granted for 50 minutes of classroom or direct faculty instructional time per week, multiplied by 15, and at least 120 minutes of additional out-of-class work each week, multiplied by 15. Courses that (1) occur over a different period of time (such as courses that meet only on certain weeks and courses offered in summer intercessions), (2) do not include a final examination, or (3) include a final examination during a regularly-scheduled class meeting, shall incorporate the same total amount of instructional time and additional assigned work per credit hour. Academic activities such as simulation, field placement, clinical, and co-curricular courses incorporate the same total amount of time per credit hour.

By posting a syllabus each semester each faculty member certifies compliance with this policy’s requirements. Any new course or other academic activity proposals shall contain a statement, along with an explanation, that such course complies with this policy’s requirements. The Curriculum Committee must assess this information when determining how many credit hours should be granted for the course or other academic activity. The Chief Academic Officer will review course syllabi on a regular basis to ensure adherence to this policy’s requirements.

The following table illustrates the credit hour time requirements:

Credit Hour Time Requirements

Number of Credits	Classroom or Direct Faculty Instruction Hours (including time spent taking examinations)* (based on 50 minutes per credit x 15 weeks divided by 60)	Out-of-class Hours (based on 120 minutes per credit x 15 weeks divided by 60)	Total Hours Required
1	12.5	30	42.5
2	25	60	85
3	37.5	90	127.5
4	50	120	170

\* The Managing Director’s Guidance Memo on Standard 310 states that “seat time” is not the sole focus of the Standard and that “[n]o minimum amount of seat time is required in any particular class.” Thus, while not all courses are required to have this amount of “seat time,” all courses must meet the overall hours in the Total Hours Required column.

## Course Descriptions

ASL’s course descriptions are listed in alphabetical order. Courses that will satisfy the practicum and seminar requirements will be noted in parenthesis after the number of credit hours. Practicum courses (P) are designed to give students practical, skills-based training. These courses combine skills training with additional instruction in a particular substantive area of the law. Some Practicum courses have an intensive writing component (PW). The practicum offerings vary from year to year and enrollment in each course is

limited. Seminar courses (S) require students to complete an expository or argumentative research paper under faculty supervision. Seminar offerings vary from year to year and enrollment in each course is limited.

#### Administrative Law - 3 credit hours (general elective)

Examines the role of the formal and informal administrative processes in our society, and emphasizes the powers and procedures common to most administrative agencies, particularly rulemaking and adjudication. Discusses the relationships among the legislative, judicial, and executive branches that affect the development and review of agency policies as well as the administrative structure of agencies themselves. Emphasis is on federal administrative law.

#### Advanced Appellate Advocacy -- 1 credit (practicum/writing)

In this course, students work on actual, open appeals currently before the Virginia Court of Appeals, through an arrangement with the Virginia Attorney General's Office. Students write and edit appellee briefs and submit them to the Criminal Section of the Attorney General's Office, for filing on behalf of the Commonwealth of Virginia. Students work closely with the professors and fellow classmates to improve their writing and analytical skills, as well as their understanding of criminal law. Students may have the opportunity to argue their cases before the Virginia Court of Appeals if they have a practice certificate and if the case is set for oral Argument. Students will write at least one appellee brief during the class. This course is graded pass/fail. Prerequisites are Appellate Advocacy and permission of the professor.

#### Advanced Criminal Procedure – 2 credit hours (general elective)

This course is designed to cover select areas of Criminal Law & Procedure. The rules of specific Courts as well as statutory rules and case law will be examined in the course. This course will consist of students gaining an advanced understanding, knowledge, and ability to apply Criminal Law & Procedure from a substantive, procedural and practical standpoint. It is expected that this course will assist students with their preparation for the Bar Exam and particularly in practice.

#### Advanced Legal Research – 2 credit hour (general elective)\*

Advanced Legal Research expands on the skills learned in Legal Process I and II. It delves into case law and statutory research in more detail, discusses additional research sources and processes, and considers some philosophical issues related to research in the legal profession. Students will work primarily with on-line sources. Course emphasizes practicing research techniques and developing knowledge of sources.

*\*Advanced Legal Research is recommended for law journal participants. Pre-requisite: Legal Process I & II.*

#### Advanced Torts – 1-3 credit hours (general elective)

Tort law is a broad and rapidly-evolving area of practice for civil litigators. Advanced Torts gives students who plan to engage in civil trial practice, or who seek a more advanced understanding of the tort system, an opportunity to build upon the broad introductory principles learned in the first-year student of torts. In particular, students will conduct an in-depth study of selected hot topics, such as defamation, product liability, and professional negligence. Students will also examine some interesting United States Supreme Court decisions that have significantly impacted the operation of tort law. Pre-requisite: Torts or Intentional Torts & Negligence

#### Appellate Advocacy – 3 credit hours (required course)\*

Appellate Advocacy is an upper-level required course which provides students with the opportunity to further develop their skills as legal writers and oral advocates. The course focuses on appellate theory and practice, standards of review, advanced appellate brief writing, and the art of appellate oral argument.



Students will complete at least one major writing assignment and participate in a class wide moot court competition. Appellate Advocacy is generally offered in two or three sections focusing on criminal law, natural resources law, and/or broader legal topics. Pre-requisite: Legal Process I & II

\*Students have the option to complete this requirement by taking either Appellate Advocacy or Legal Writing with a Purpose I & II.

Assistantships (Research or Teaching) – 1 credit hours [4 hour maximum toward degree]

A student will work under the supervision of a member of the full time faculty and assist in providing research assistance to the faculty member in furtherance of a substantial scholarly endeavor or assist in grading formative assessments and providing supplemental instruction to lower level students. This endeavor will broaden or deepen a student's knowledge of a law topic beyond that provided in a standard offering of a course's material. A student must complete and document 65 hours of work. The supervising faculty member will verify completion of requirements to earn credit. Pre-requisite: Completion of all the required first year courses and, if a teaching assistantship, the course for which assistance will be provided.

Assisted Reproductive Technology Law – 2 credit hours (seminar)

The purpose of this course is to explain how the laws regarding Assisted Reproductive Technologies currently influence public policy and affect potential clients. The world of assisted reproductive technologies is a relative newcomer to the legal curriculum, making its perceptible entrance only within the past two decades. Yet the discipline mixing law and assisted conception seems to have established firm roots, sustained by a nearly daily dose of activity somewhere around the globe. The study of reproductive technologies has branched out from its founding in the late 1970s with the introduction of in vitro fertilization, to a field that includes such emerging topics as posthumous reproduction, embryonic stem cell research and human cloning. These topics often take center stage in our political and social world, making them ideal for dissection in the law school classroom.

By the end of the course, you should be able to understand the essentials in science, medicine, law and ethics that underpin and shape each of the topics that combine to form the law of reproductive technologies. As each new technology is introduced, you will become informed about the clinical application of these techniques, and learn how the procedures are used to treat patients facing infertility or produce advances in medical research. Once comfortable with the science, you can then contemplate the legal parameters that do or should accompany the technology. Since so much of the law in this area is either nascent or wholly unformed, students are free, and indeed encouraged, to design legal systems that meet the needs of patients, parents, children and society at large, participants all in the world of assisted reproduction.

Bar Essays: Strategies and Skills – 2-3 credit hours (required course)

Bar Essays: Strategies and Skills is a bar preparatory course that will build on the analytical, writing and organizational skills taught across the ASL curriculum. The goal is simply to enhance your ability to prepare for the bar examination. While the most intensive preparation for the bar will occur in the nine to eleven weeks before the bar examination, this course will prepare students for that period of study by introducing them to the format and components of the bar exam. Along the way, students will review selected substantive topics, learn methods by which to review the tested areas of law, complete practice essays, multiple choice and performance test questions, and receive feedback on practice questions. This course is not intended to replace your commercial bar preparation course, but rather to introduce (or re-introduce) students to tested substantive law and many of the strategies needed to perform well on the bar exam. This course will primarily focus on the Multistate Bar Examination subjects that are tested on the Multistate Essay Examination (Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property and Torts).

### Bar Subject Review I & II – 1 credit hour each (required courses)

Bar Subject Review is a year-long course, totaling 2 credits. Students will register and receive a grade for each semester separately as Bar Subject Review I and Bar Subject Review II. A passing grade in both classes is required to meet ASL's graduation requirement. The academic year will be divided into 5 sessions, each of which will be taught by a different member of ASL faculty.

This course is designed to deliver substantive law in subject areas commonly tested on the bar examination, but not required courses at ASL. Time will not permit us to cover each important concept in these areas of the law, but we will focus on the subtopics that have the highest likelihood of appearing on the bar examination. This will allow students to build the foundation for the subjects covered prior to beginning postgraduate commercial bar review.

While this is not an essay writing course, your instructor will assign MEE-style questions to assess your knowledge retention and application throughout the year.

*Note: this course is not intended to replace a commercial full-service bar review course.*

### Black Lung Practice – 2 credit hours (seminar)

This course will introduce students to state and federal laws governing black lung workers' compensation claims. The course will cover practical aspects of representing a claimant through the application, review, and appeals processes. The course will examine the history of these programs, the legal and regulatory challenges, and the differences of federal and state approaches to these programs. Through this course, students will gain experience in identifying and analyzing federal and state laws, regulations, and gain a practical understanding of administrative law. Students will learn how to interpret current legislation and case law concerning past and current reforms and changes in this field.

### Business Organizations – 4 credit hours (general elective)

Business Associations/Agency is a study of the law concerning business entities, including: the factors affecting the selection of the form of a business enterprise; the nature of corporate entities; and the promotion, organization, activities, financing, management, and dissolution of business corporations. In addition to discussing the law of corporations, the course covers the principles by which one party may act as agent for another and the law governing unincorporated business organizations such as partnerships, limited partnerships, limited liability companies, and limited liability partnerships.

### Civil Procedure – 4 credit hours (required course)

This course is a general survey of the process of civil (as opposed to criminal) litigation in federal courts. (Comparisons to civil litigation in state courts will be drawn in many instances.) The Federal Rules of Civil Procedure will be studied in depth, along with the Rules' constitutional and statutory underpinnings. Specific areas of study may include: subject matter jurisdiction of the federal courts, personal jurisdiction, venue, pleadings, discovery, disposition without trial, joinder of claims and parties, the *Erie* doctrine, appeals, and preclusion doctrine.

### Conflict of Laws – 3 credit hours (general elective)

In an age where people and businesses regularly interact across borders, Conflict of Laws is an essential course for students planning to engage in civil litigation or transactional work. This course introduces students to legal issues that arise when a transaction or occurrence has a connection to two or more jurisdictions. In particular, students learn the traditional and modern approaches courts have developed to resolve conflicts between the laws of such jurisdictions, the constitutional limitations on these approaches, and the extent to which parties can choose their own courts and laws. Students also

reexamine, in the context of conflict-of-law issues, certain principles first introduced in civil procedure, such as personal jurisdiction and recognition of judgments. Because conflict-of-law issues arise in nearly every area of substantive law, students study a broad range of cases, giving them an opportunity to review and build upon principles of torts, contracts, property, constitutional law, and family law. Pre-requisites: Civil Procedure I & II

#### Constitutional Law I - 3 credit hours (required course)

A study of the provisions in the United States Constitution governing our form of government and the powers of the federal judiciary, legislature, and executive. The course also reviews relations between the federal government and the states.

#### Constitutional Law II - 3 credit hours (required course)

A study of the limitations on governmental power over individuals inherent in constitutional provisions relating to due process and equal protection and freedom of speech and religion. The course evaluates the restrictions on private action mandated or permitted by these constitutional provisions. Pre-requisites: Constitutional Law I

#### Contract Drafting – 2 credit hours (practicum/writing)

This course will teach you the principles of contemporary commercial contract drafting and introduce you to documents typically used in a variety of transactions. The skills you gain will apply to any transactional practice and will even be useful to litigators. On finishing the course, you will know: the business purpose of each of the contract concepts; how to translate the business deal into contract concepts; how to draft each of a contract's parts; how to draft with clarity and without ambiguity; how to add value to a deal; how to work through the drafting process; and how to review and comment on a contract. Pre-requisites: Contracts I & II

#### Contracts I – 3 credit hours (required course)

Encompasses the study of legally enforceable promises, termed “contracts.” The course encompasses the study of what types of promises are legally enforceable, what it takes to form a contract, what the obligations of the parties are, what constitutes breach, and what remedies are available upon breach.

#### Contracts II - 2 credit hours (required course)

A continuation of Contracts I. Prerequisites: Contracts I

#### Criminal Law - 3 credit hours (required course)

An inquiry into the sources and goals of the criminal law, general principles of liability and defenses, and the characteristics of particular crimes.

#### Criminal Practice - 4 credit hours (practicum/writing)

Includes both substantive instruction and skills training on pre- and post-trial criminal practice issues. Students will prepare written motions and participate in simulated in-class exercises involving indictment and charging decisions, client relations, bail and release, investigation, discovery, preliminary hearings, pre-trial motions, guilty pleas, sentencing, and probation. The course focuses on both defense and prosecution issues and students will have the opportunity to experience both sides of criminal practice through in-class exercises. Pre-requisites: Criminal Law; Criminal Procedure; and Evidence.

### Criminal Procedure - 3 credit hours (required course)

A survey of federal procedures and constitutional safeguards applicable in the criminal justice system, focusing on police investigation and arrest. Particular emphasis is given to Fourth, Fifth, and Sixth Amendment issues. Pre-requisites: Criminal Law

### Current Issues in Constitutional Law – 2 credit hours (seminar)

In this course students will examine selected pending cases and recent decisions of the United States Supreme Court. Students will do a detailed analysis of the cases and all cases leading up to the current case. Each member of the class will do a presentation on one or more of the cases we review. In addition, students will complete a twenty page research paper on a topic relating to a constitutional issue that is approved by the professor. There will be a number of individual meetings with the professor to review the paper as progress is made. The goal is to have a paper reflecting serious scholarship that is publishable. The class will also get to know the current Justices. Each student will be assigned a Justice to study and understand his or her route to the Court to include perceived biases. During the class students will be asked to explain how his or her Justice is expected to vote on pending cases.

### Current Issues in the Law – 2 credit hours (general elective)

This course will offer discussion on a variety of relevant topics in law today, including Confederate monuments, student debt, the police and police unions, health care and COVID-19, the right to protest and Black Lives Matter, Populism and Socialism, the “social safety net,” stock market reports, “Make America Great Again,” voting, racism in the criminal justice system, and the “drug war.”

### Debtor-Creditor Law - 3 credit hours (general elective)

This course will offer a comprehensive study of the legal principles governing the relationship of debtors and creditors, with primary emphasis on bankruptcy law matters. The course will also address creditor’s state law rights and remedies as well as debtor’s rights under state law. A brief introduction to secured transactions will also be presented as part of the course since it necessarily relates to the overall understanding of the debtor-creditor relationship. The objective of this class is to prepare the student to step in on day one and be a contributor to a collections or bankruptcy practice.

### Dispute Resolution - 2 credit hours (practicum)

Provides students with a working knowledge of dispute resolution theory and practice. The major dispute resolution processes are examined critically with discussion of their strengths and weaknesses. Particular emphasis is given to negotiation, mediation, arbitration, and ethics. Legal, ethical, and policy issues that arise in the use of dispute resolution processes also are examined. A major theme throughout the course is the selection of appropriate dispute resolution forums and representation of clients in dispute resolution.

### Employment Law – 3 credit hours (general elective)

The goal of this class is to introduce students to the subject matters of the legal questions that frequently arise for employers regarding an employer’s employment relationship with the employees of the business. The intent is to provide the student with some base knowledge to begin to discuss questions a new lawyer might receive from a VP of Human Resources of a larger business or the owner of a small business. The student will be introduced to the vocabulary of the workplace and the basic law in each of these areas.

The first quarter of the class will focus on the employee-employer employment relationship. Hiring, firing, working conditions, etc. will be discussed.

The middle half of the semester will be spent gaining a knowledge of the alphabet soup of employment laws, regulations and agencies (ADA, HIPAA, FMLA, FLSA, EEOC, OSHA, etc., etc.).

The last quarter of the class will focus on the law of employee benefits and executive compensation as regulated by ERISA and the IRC (health plans, pension plans, executive compensation, stock option plans, etc.).

By the end of the class the student should have a basic understanding of most employment law legal issues and have a “jumping off place” for further research in each of the areas.

#### Energy Law and Regulation – 2 credit hours (general elective)

There is much discussion about transforming America's energy economy, including the deployment of renewable generation resources, the role of natural gas in electric generation and heating, and challenges for integrating electric vehicles (EVs). The Biden Administration and many states have established policy goals to transform the way energy is generated and consumed. It is anticipated that hundreds of billions of dollars will be invested in energy initiatives by the federal government and the private sector. However, the investment opportunities are being driven, and can be constrained, by the laws and regulations governing the electric grid and natural gas system.

In the United States, the electric grid is subject to regulation and operation by Congress, the Federal Energy Regulatory Commission (FERC), national reliability regulators (e.g. NERC), state public utility commissions, regional transmission organizations (RTOs), independent system operators (ISOs), and various environmental laws. Whether it is rate regulation of distribution systems in the states, or competitive wholesale electric markets by FERC, the ability to build generation and transmission, provide distribution service, recover costs and a return on investment, requires an understanding of the electric system and its regulation at various levels of government. Likewise, natural gas plays a significant role in America's energy economy and is subject to state and federal laws and regulations.

The course will provide an introduction to utility regulation and energy law, including the Federal Power Act, Natural Gas Act, major FERC orders, ratemaking, certificates of public convenience and necessity, renewable portfolio standards, integrated resource planning, wholesale electric markets; natural gas pipelines, and liquefied natural gas export facilities.

#### Environmental Crimes and Torts – 2 credit hours (practicum)

Environmental Crimes and Torts will cover major cases as well as the elements and prosecutorial procedure of criminal actions under major U.S. environmental laws such as the Clean Water Act and Clean Air Act. The course will also discuss major issues and special issues surrounding toxic torts. The course will be a combination of lecture and practical work with the primary assessments for the course consisting of several relatively small drafting assignments such as a complaint; answer; motion to dismiss; motion for a new trial; or a portion of any of these. Pre-requisites: Torts and Criminal Law

#### Environmental Law and Policy - 3 credit hours (may be taught as a practicum, practicum/writing, or seminar)

Examines selected topics in the law governing the protection of air, water, and land from pollution. Early class sessions will cover: (1) brief overviews of the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act; (2) the impact of Climate Change on the permitting process; (3) additional areas of environmental law having regional connections, including mine permitting and regulation; (4) competing conceptual approaches to environmental regulation; (5) the political and bureaucratic aspects of environmental regulation as a model of regulation generally; (6) emerging notions of environmental justice; and (7) the role of citizen enforcement, including the implications of recent U.S. Supreme Court decisions dealing with the issue of standing. Reading materials will focus on

judicial decisions, administrative materials, and case law but will also include selections from the literature of science, economics, and political science that underlie current legal debates in environmental law. Early classes will involve the students in informal presentations based on the reading materials. The last few classes will be devoted to presentation and discussion of student research papers.

#### Estate Planning – 2 credit hours (practicum/writing)

This practicum develops students' skills relating to the disposition of property during lifetime and at death. This course will focus on (1) interviewing and counseling clients to ascertain and fulfill the clients' needs, and (2) developing estate plans and drafting the instruments (e.g., wills, trusts, etc.) necessary to implement such plans. The course develops the students' understanding of trusts, including rights and responsibilities of settlors, trustees, and beneficiaries, as well as how trusts can be used as part of an overall estate plan. Pre-requisites: Wills and Estates

#### Evidence - 4 credit hours (required course)

An examination of the rules governing the admissibility of evidence in civil and criminal trials, with particular emphasis on the Federal Rules of Evidence. Topics covered include relevance, character evidence, the hearsay rule and its exclusions and exceptions, quasi-privileges, privileges, direct examination, cross-examination, impeachment of witnesses, witness competency, opinion and scientific evidence, admissibility of writings, judicial notice, and burdens of proof and presumptions.

#### Externship – field work 2 credit hours (required course)

Allows students to apply the skills learned in the core curriculum. Students typically take this course during the summer following their first year of studies. Students work for a total of approximately 200 unpaid hours in a judge's chambers, public law office, or public interest organization under the direct supervision of a licensed attorney. Each student is assigned to a full-time faculty coordinator and the faculty coordinators conduct an orientation and a debriefing session before and after the externships. Externship placements for students have included federal magistrate, district court, and circuit judges; state Supreme Court justices in Virginia, Kentucky, Tennessee, and North Carolina; state trial judges in Virginia, West Virginia, and Kentucky; U.S. Environmental Protection Agency and U.S. Department of Justice; Virginia Attorney General's Office; Virginia, West Virginia, and Kentucky Legal Services offices; Tennessee District Attorneys; Virginia Commonwealth Attorneys; West Virginia District Attorneys; North Carolina District Attorneys; Kentucky County Attorneys; Georgia District Attorneys; South Carolina Solicitor's Office; and the Air Force Legal Office. Extern students' experiences typically include a combination of the following: observing court proceedings, researching legal issues, performing factual investigations, drafting pleadings and legal memoranda, drafting judicial opinions, updating law libraries, and assisting with trial strategy and problem solving. Pre-requisites: Completion of 28 credit hours prior to beginning work at field placement; completion of Introduction to Externship course.

#### Family Law – 3 credit hours (general elective)

This course covers various subject areas in family law, and introduces students to practice in the family law area. The main topics covered are marriage, divorce, division of property, spousal support, child custody and visitation, child support, child abuse and neglect, as well as various other topics. The course includes discussion of differing views on the concept of "family" and of different cultural and economic factors that influence the practice of family law.

#### Family Law Practice – 2 credit hours (practicum/writing)

Focuses on substantive instruction and skills training in issues most prevalent to a family law practitioner. The course will cover selected subject areas in family law, such as annulment, divorce grounds and defenses, spousal support, child support, property division upon dissolution of marriage, ante-nuptial agreements, post-nuptial agreements, and child custody and visitation. Students will receive instruction in

the preparation of pleadings, motions, court orders, and agreements. Students will also participate in simulated in-class exercises, including in-class simulated client interviews and court hearings. Prerequisite: Family Law

#### Federal Income Taxation - 3 credit hours (general elective or seminar)

Gives a basic understanding of federal income taxation relating to individuals and teaches the use and interpretation of complex statutes and regulations.

#### History of Race and the Law in America – 2 credit hours (general elective)

This course evaluates the legal regulation of race in the United States. The course will begin with having students understand and define racism. We will consider history, statutes, and cases dealing with American Indians, African Americans, Latinos, Asian Americans and other groups. How is “white” defined? Students will be assigned readings to present to the class and lead discussions. They will be expected to prepare written summaries of these readings and their presentations. Students will be encouraged to express all views, and be willing to have their views challenged, in a civil and dignified manner. Grade will be based on participation, presentations, and written summaries. There will be no exam.

#### Immigration Law & Policy – 2 credit hours (seminar)

Students will examine the history of U.S. immigration law and policy, federal powers over immigration, federal agencies tasked with immigration regulation, and basic rules governing those noncitizens who wish to enter, live, study, and/or work in the U.S. This course will also focus on specific “hot topic” immigration issues such as the DREAM Act/DACA and other avenues for unauthorized immigrants, U.S. policy on refugees and asylum-seekers, and the pendulum swings in immigration policy occurring with each change in Presidential administration. Each student will write an original 20-25 page argumentative research paper on an immigration issue that will not be covered in class. Students will develop a topic, a resource list, an outline/overview, and a first draft, and will receive feedback on each stage before completing the final draft of the research paper. Grades will be based on class discussion and participation as well as the stages of the research paper. The most important thing to know about this class is that it is expected that not all of us will agree on all immigration issues or policies, but it is expected that all viewpoints will be respected and class discussion will remain courteous.

#### Independent Study - 1 to 3 credit hours

Involves assigned readings, conferences, research, and writing in specialized or advanced areas of the law. Proposals for Independent Study must be approved by the supervising professor and the Chief Academic Officer. Independent Study may be used to fulfill a general elective or the Seminar Writing Requirement.

#### Information Privacy Law – 2-4 credit hours (practicum)

Information Privacy Law is an expanding area of law that touches on virtually everyone’s life, both personal and professional. This course explores the history and current development of the Law of Information Privacy. An analysis of competing interests in business, personal and government situations forms the foundation of this course. Students will learn legislative and judicial actions that impact the practice of law in this field. Resolving issues such as the expectation of privacy, collection and use of private information and access to data held by government agencies will be emphasized in this course. The impact of technology on the privacy of information will be a major focus to prepare students for the ethical practice of Information Privacy Law in today’s environment. Students will create an individual portfolio of Information Privacy Law which includes ethical responsibilities of attorneys, legislative and judicial materials and written privacy policies in a discrete area of the law. The focus of the portfolio will be approved by the professor in advance and the students will present their portfolios to the class as a course requirement.

### Insurance Law - 2 credit hours (general elective)

This course will focus on substantive instruction and writing skills training in issues most relevant to an insurance law practice. The course will include study of selected subject areas in insurance law, including automobile, fire and casualty (homeowners), liability, health, and disability. Among other topics covered will be the formation and operation of the insurance contract, coverage and exclusions, insurable interests, the claims process, subrogation, and vehicles to determine coverage issues such as declaratory judgment actions.

### Intellectual Property – 3 credit hours (general elective)

During the first half of this course students will receive an introduction to trademark, copyright, and patent law. The second half of the class will focus on day-to-day issues regarding intellectual property in the workplace and in transactions. For example, we will study: (1) intellectual property provisions in employment agreements, (2) provisions regarding ownership of intellectual property that appears generally in asset or stock acquisition agreements, (3) nondisclosure agreements, and (4) contracts for the sale of intellectual property.

### Intentional Torts – 2 credit hours (required course)

This course is one component of the two-semester study of torts undertaken by first year law students. Torts is a broad area of law establishing responsibilities, rights, and remedies for civil wrongs not arising out of contract. The subject of Intentional Torts focuses primarily on torts committed with intent to accomplish a result or with knowledge the result will come about (in contrast to torts arising from purely accidental or careless conduct). In particular, students examine cases and explore the principles governing intentional torts to the person (including battery, assault, false imprisonment, and intentional infliction of emotional distress), intentional torts to property (including trespass to land, conversion, trespass to chattel, and nuisance), as well as the standard defenses and privileges applicable to intentional torts.

### Introduction to ASL Legal Studies – 2 credit hours (required course)

Introduction to ASL Legal Studies is an academic excellence course. This course is designed to teach the skills necessary to successfully participate in class, effectively manage time, prepare course materials, and practice for exams.

Student will learn the critical reading, writing, and thinking skills that are essential to excel in law school, pass the bar exam, and succeed in the practice of law. Topics to be covered include the stages of a lawsuit, court structure, case and statute reading and briefing, understanding case rationales, case synthesis, time management, optimizing individual learning styles, course outlining, law school and legal note-taking, issue spotting on essays, analyzing and writing effectively for law school exams, how to answer multiple choice questions, and other exam-taking strategies.

### Introduction to Community Service – not for credit (required course)

This course is designed for incoming students attending the Appalachian School of Law. Sessions will be delivered primarily through lectures, class discussions, guest speakers, and peer-to-peer sessions. Students may use this class as an opportunity to broaden their network of contacts and facilitate community service project placement and opportunities. Students earn the required community service credit for the semester, 25 hours, upon successful completion of this introductory course. Therefore, attendance is mandatory for all weekly sessions.

### Introduction to Externship – 1 credit (required course)

Introduction to Externship is the first of a two-part Externship Program. It is a pre-requisite for participation in ASL's Externship Field Placement. The course is intended to prepare students for the work



they will do in the summer following completion of the first-year curriculum. Initially, the focus is on the applications for externship placement. Through this process, students will create an application portfolio. Students will also focus on proper interview etiquette. The students will have opportunities to hear from guest speakers and panels, including alumni and students. The course presents opportunities for students to develop their professional identities by introducing students to practicing attorneys. The course includes an introduction to professional responsibility as a law student and attorney. Students will learn about common ethical issues faced by Externship students and attorneys in practice. Other topics covered in the course include: social media, networking, memorandum drafting, legal research, and maximizing opportunities for career-focused experiential learning. This course is graded pass/fail.

#### Judicial Clerkship Preparation – 2 credit hours (practicum/writing)

The purpose of the course is to prepare students for judicial clerkships, both trial and appellate positions. However, emphasis will be placed on appellate positions. Basic information will be reviewed such as preservation of issues and standards of review. We will discuss the unique nature of judicial clerking. Ethics, confidentiality, professionalism and decorum required of judicial clerks will be reviewed.

Students will be expected to observe and critique actual appellate arguments after having reviewed the briefs filed in those cases. In addition, students will review the appendix, briefs filed and oral argument in at least one pending case and prepare a bench brief and a draft opinion. During each phase of the drafting the student will receive input from professor and teaching assistant. It is expected that the timing of these assignments will require that the final student opinion be submitted prior to the release of the Court's opinion, thus giving the student a real world comparison.

#### Juvenile Practice – 2 credit hours (practicum)

This specialized course in Virginia Family Law procedure concentrates on actual practice in the Juvenile and Domestic Relations Course of Commonwealth of Virginia and is taught by a judge who has presided in such courts for 13 years. The aim of the course will be to equip the JDR practitioner with the particular procedural aspects of jurisdiction, venue, parties, and appeals in cases involving Juvenile Delinquency and adult criminal cases that fall within the purview of the JDR Court's authority. Foster Care and DSS cases involving Abuse and Neglect, Protective Orders, paternity petitions as well as custody and child/spousal support cases. The aim of the course is to develop familiarity with practice and to offer real-world practical instruction in the procedures of this court. Family Law is not a prerequisite as the substantive law involved is secondary to the practice and procedure taught. This course will not duplicate the Family Law course but rather focus on other distinct issues in the JDR Courts of Virginia. Taught by lecture, guest speakers, discussion, and practical exercises.

#### Law & Modern Literature – 1 credit hour (general elective)

This discussion-based course examines issues involving law, justice, lawyers, and the legal system through the lens of modern literature. Students will read a selection of contemporary novels and/or non-fiction books with legal themes and meet bi-weekly to discuss issues arising in those books such as the role of law in society; the law's impact on issues of social justice, race, ethnicity, gender, religion, diversity, equity, and inclusion; professional conduct and forming a professional identity; substance abuse and mental issues for legal practitioners; and ethical questions surrounding the practice of law. This course is graded pass/fail.

#### Law Journal – 2 credit hours

The Appalachian Journal of Law is a student-run publication that includes both academic articles and student notes on various legal topics, with an emphasis on environmental law topics, producing at least two issues per year. Students who successfully serve on Appalachian Journal of Law for the entire period they are eligible to do so, who are elected and serve as a member of the Board of the Journal, and who produce a note which the Board of the Journal and the Journal's Faculty Advisor deem publishable, may substitute such service for the Seminar Writing Requirement or a two-credit upper level general elective course, at the

student's choice. In such cases, the student shall be awarded two semester credit hours for "Law Journal" at the end of the student's final semester. Successful completion of service on the Journal will be determined by the Journal's Faculty Advisor. Student may receive a total of two (2) credits for Law Journal, regardless of the number of notes the student prepares. These credits are awarded on a pass/fail basis.

#### Law Office Management - 2 credit hours (practicum)

Provides grounding in lawyering skills in several areas: legal drafting, interaction with clients, and the management of a small law office. The legal drafting component emphasizes the drafting of transactional documents, e.g., various types of contracts, rather than litigation documents. The course includes practice exercises simulating work with clients and the other parties on business transactions. Topics covered in the office management component include: structure of law firms; financial issues (including compensation, billing, fees, and trust accounts); business development (marketing and advertising); law practice tools; and personnel, office, and operational issues.

#### Legal Process I - 3 credit hours (required course)

This course emphasizes the development of three essential skills: legal reasoning/analysis, legal research, and legal writing. Students explore the basic methods of legal analysis and legal research, and learn to write clear and concise predictive legal analysis. Students will complete a number of research and writing projects, which may include briefing cases and drafting office memoranda and client communications.

#### Legal Process II - 3 credit hours (required course)

This course is a continuation of Legal Process I, exploring the art and science of legal writing, specifically persuasive writing, in greater depth. Students will complete written assignments of significant complexity and acquire more advanced research skills to be used in the production of practice-ready predictive and persuasive legal documents. This course expands on the legal writing and analysis skills emphasized in Legal Process I with additional focus on legal research, persuasive writing, professionalism, argument, and oral presentation. Pre-requisites: Legal Process I

#### Legal Writing with a Purpose I & II – 1 credit hour each (required courses)\*

This full-year writing program, one-hour each semester, is broken down into six, four-class units, with each unit being substantively taught by a different ASL professor. Each unit will be built around a particular legal issue within a subject heavily tested on the Bar Exam (for example, Torts or Civil Procedure). There will be three writing assignments and a timed essay quiz, or four writing assignments, within each of the four-week units. The three writing assignments are designed to mirror those that a new attorney may be asked to undertake in practice, and the essay quiz is designed to mimic Bar Examination testing. Each unit will be counted equally towards a student's grade.

\*Students have the option to complete this requirement by taking either Legal Writing with a Purpose I & II or Appellate Advocacy.

#### Marijuana Law and Policy – 2 credit hours (general elective)

Marijuana (cannabis) is one of the most popular drugs in the country. It is also one of the most highly regulated. Until recently, such regulation was virtually synonymous with prohibition. But over the past two decades, a growing number of states have experimented with new approaches to regulating the drug, treating it more like other legal medicines or alcohol than heroin or methamphetamines. These experiments have created a new body of law governing a host of marijuana-related behaviors, from simply possessing the drug to employing those who use it, along with a host of intriguing questions regarding who has authority to regulate the drug.

This course will analyze the competing approaches to regulating marijuana, the rationales behind these approaches, and where legal authority resides for choosing among them. What are the elements of a marijuana trafficking offense? May a state legalize a drug the federal government forbids? Who is allowed to use and traffic marijuana under state law? How do states prevent diversion of marijuana into forbidden markets? Are contracts with marijuana dealers enforceable? May employers fire employees who use marijuana for medical purposes? These are just some of the questions the course will address.

#### Mental Health in the Criminal Justice System – 2 credit hours (practicum)

During this course, students will: 1) Learn practical knowledge using a comprehensive overview of mental health jurisprudence in a variety of criminal litigation contexts such as competency to stand trial, criminal responsibility, competency to be executed, juvenile transfer, sexual offender risk assessment, and civil commitment. 2) Understand the background, efficacy and reliability of instruments and methods currently employed in the forensic assessment of mental disability and/or aptitude. 3) Discover the ethical dilemmas and legal ramifications inherent in the representation or prosecution of those with mental health problems in the modern and historical legal system. 4) Gauge the knowledge, skill, experience, training, education, credentials, and effectiveness of potential mental health experts and consultants, with an understanding of the discrete nature and critical impact of each of these professional attributes.

#### Mineral Title Examination – 1-2 credit hours (practicum)

This course will familiarize and provide the students with an overview of the process of examining mineral titles and rendering legal opinions on title in the context of mineral production and development. Students will gain hands-on experience by conducting mineral title examinations in regional courthouses as well as drafting title opinions. The course will focus on examining title to Appalachian mineral properties, including natural gas and coal. The course will include a hands-on title search component where students will research the title from public records, learn how to identify conveyances and exceptions, and how to construe a mineral severance deed. The course will cover examining the title and identifying potential problems with the title, such as mortgages, easements, inadequate legal descriptions, improperly acknowledged documents, powers of attorney, foreclosures, bankruptcies, unpaid taxes, deed restrictions and reverters.

#### Medical Legal Partnership Clinic – 2 credit hours (practicum)

This course offers students practical experience working with real clients. Students receive guided learning on topics relevant to our Medical-Legal Partnership Clinic, including: law office management, case management software, client interviewing, HIPAA and other privacy issues, divorce, custody, and protective orders, Medical applications, foreclosures and eviction prevention, guardianships and conservatorships, consumer credit issues, SSI and SSDI, along with other topics relevant to the low-income patient/clients served by the MLP. Student also have the opportunity to represent low-income patient/clients while certified for supervised practice in Tennessee and/or Virginia. Under limited practice certification, students work with ASL professors and legal aid attorneys to address the unmet legal needs of low-income patients of Ballad Health. Prerequisite: Poverty, Health, & Law: Medical Legal Partnerships. Students may also participate in the MLP Clinic (after completing the prerequisite) as a volunteer for community service hours or as a paid Senior Intern, instead of earning academic credit.

#### Moot Court – 1-2 credit hours

Students who are selected by the Moot Court Program's Faculty Advisor(s) to participate in an interscholastic moot court competition, who do in fact participate in the competition, and who contribute substantially to drafting the competition brief may substitute such service for a one-credit upper-level elective course. In such cases, the student shall be awarded one semester credit hour for "Moot Court" at the end of the student's final semester. Students seeking academic credit for moot court participation are expected to contribute to the Appalachian School of Law's Moot Court Board and its activities.

Students may earn a maximum of two credits for participation in moot court, regardless of the number of competitions in which they participate.

Students who earn credit for participating in two interscholastic moot court competitions, along with the associated brief drafting, may substitute such service for the Seminar Requirement. The Moot Court Program's Faculty Advisor(s) will review at least one draft and provide feedback and opportunity for revision of each of the student's briefs. If interscholastic competition rules prevent such review and feedback prior to submission of an independently prepared competition brief, that process may take place after the brief is submitted but before seminar credit is awarded. In all cases the Moot Court Program's Faculty Advisor(s) shall determine the sufficiency of the brief prior to an award of seminar credit.

The Moot Court Program's Faculty Advisor(s) will determine whether students have successfully completed Moot Court service and are eligible for seminar or elective credit. These credits are awarded on a pass/fail basis.

#### Multistate Bar Examination (MBE): Strategies and Skills– 2 credit hours (required course)

This course will provide ASL students with a head start in preparing for the Multistate Bar Exam (MBE). This course will teach students how to systematically approach MBE questions. More specifically, students will learn how to manage their time, deconstruct MBE questions, and practice how to eliminate incorrect answer choices.

This course should also serve as a refresher on some of the most heavily tested topics tested on the MBE— Contracts, Evidence, and Torts. Students will be required to review the substantive law and lectures in these subjects on BARBRI's Matrix platform prior to weekly class meetings. Data collection methods will pinpoint individual areas of weakness prior to class meetings to determine the subtopics that should be discussed prior to the daily strategy and skills lecture.

*Note - This course is not meant to replace your post-graduate bar review course.*

#### Natural Resources: Why Lawyers and Engineers Need Each Other – 3 credit hours (practicum)

The class will explore both the legal and engineering components of projects, programs, and permits involving our natural resources. Each class will discuss a distinct project or program. For instance, the attorney applying for a SMCRA permit for a new mining project will need an engineer to create a reclamation plan upon mine closure. The engineer designing a pipeline crossing under a scenic trail will need a lawyer to explain what standards the design must meet under the National Trails System Act. Designing underground mines to comply with MSHA, soil erosion plans to comply with NEP, and coal ash impounds to comply with the Clean Water Act and local zoning laws are among the many other instances where lawyers and engineers need to work collaboratively. The bulk of the materials will be delivered through synchronous live video connecting ASL and Virginia Tech; the first two weeks will include asynchronous on-line professor recordings and assignments, and the last three weeks will be reserved for student presentations.

#### Natural Resources Law & Policy – 3 credit hours (may be taught in various formats)

Examines the specialized property rules governing estates in natural resources, the correlative rights of surface and mineral owners, and the rights to explore, mine and extract, develop, and transport natural resources, with primary emphasis on "hard" minerals. As a compliment to existing courses in Administrative and Environmental law, the course examines selected issues of natural resources regulation from the perspective of the regulated community.

### Negligence – 3 credit hours (required course)

This course is one component of the two-semester study of torts undertaken by first-year law students. Torts is a broad area of law establishing responsibilities, rights, and remedies for civil wrongs not arising out of contract. Negligence, the largest segment of modern tort law, focuses primarily on torts that are committed by accident or carelessness (in contrast to torts committed with intent to accomplish a result). In this course, students examine cases and explore the principles governing basic elements of a negligence case, qualified and special duty doctrines, defenses and immunities, damages and apportionment of liability, and other associated topics, such as liability without fault and products liability.

### Negotiations in the Criminal Justice System – 2 credit hours (practicum/writing)

This two credit course fosters acquisition and development of negotiation skills, relevant to criminal proceedings. The course will cover ethical, practical and skills-based techniques and issues. Upon successful completion of “Negotiations in the Criminal Justice System,” students will be able to: 1) Evaluate all aspects of a criminal case from both a prosecution and defense perspective. 2) Understand the ethical and legal bounds of prosecutorial discretion, including tactics, for structuring and offering a plea bargain. 3) Understand the value and potential pitfalls of plea bargaining as a method for resolving criminal cases. 4) As defense counsel, evaluate a defendant’s best interests as well as formulating a well thought out strategy for plea negotiations with prosecutors and complaining witnesses. 5) Know the obligations of effective plea bargaining as mandated by the ABA Standards of Practice and recent court cases.

### Negotiation Techniques & Arbitration - 2-credit hours (general elective)

In today’s society, arbitration agreements are buried in a wide variety of consumer transactions – and arbitration is deployed to resolve a multitude of disputes. In fact, trials across America have all but vanished over the last century. One of the predominant reasons for the vanishing trial, at least in consumer transactions, is mandatory arbitration clauses. This course combines theory, law, and practical skills to explore the arbitration process, the legal framework for this process, and introduces the tools and techniques lawyers will need to zealously represent their clients in today’s legal landscape.

### Post-Conviction Relief – 2 credit hours (seminar)

This course will cover principles and practices of post-conviction remedies available to collaterally attack a criminal conviction in federal courts. This class will provide students an opportunity to observe how constitutional law, criminal law and procedure, and civil procedure apply to Post-Conviction relief.

### Poverty, Health, and Law: Medical-Legal Partnerships – 2-3 credits (general elective)

This class introduces students to the concept of a Medical-Legal Partnership (MLP). We will survey topics related to MLPs. It is expected that students will also gain practical knowledge about how to address the issues typically the focus of an MLP. Broad topics to be covered include:

- Making the connection between poverty, health and the law;
- Social determinants of health;
- Collaboration with healthcare providers and discussions how the professions can help one another;
- Addressing the social determinants of health through legal advocacy;
- MLPs for special populations (e.g., cancer patients, immigrants, HIV/AIDS patients, elderly populations, adolescents); and
- Improving health through MLPs.

Subsets of these major topics will include an overview of public and private insurance markets, ethical issues in the MLP context, housing concerns with patients needing MLP services, inter-disciplinary

training and learning opportunities between medical and legal professionals, and strategies for policy change.

In addition, it is anticipated that the course will include some practical aspects. Students will have exposure to examples of patient medical records, and MLP patient/client intake forms. Students will hear directly from policy makes and healthcare workers who will participate in the lectures.

#### Pretrial Practice - 4 credit hours (practicum/writing)

Focuses on the handling and preparation of a civil case from the time a client walks in the lawyer's office to the eve of trial. Specific topics covered will include: client interviewing and counseling; tactical considerations of where and what to file; preparation of the pleadings; taking and defending discovery; interviewing witnesses; preparation of pretrial motions. Students will prepare a series of written documents and take part in a variety of in-class exercises.

#### Procedural Fairness – 2 credit hours (general elective)

This presentation will focus on the concept of procedural fairness, a research-based idea about building trust between justice system actors, clients, and other members of the public, and the costs of low levels of trust across the criminal justice system. The course will consider three main perspectives; litigant, public, and student perspectives. Course materials will cover a national and local scope. The objective of this class is to prepare the law student to step in on day one as a new lawyer and work to build trust and enhance fairness within their professional practice.

#### Professional Responsibility - 3 credit hours (required course)

Instruction in the history, structure, goals, duties, values, and responsibilities of the legal profession, including instruction in the Model Rules of Professional Conduct. The course focuses on a lawyer's responsibilities and duties to clients, the legal profession, courts, and the public.

#### Property I - 2 credit hours (required course)

Introduction to the law of personal property and real property, including estates and other interests in land, real property marketing and conveyancing, landlord and tenant issues, nuisance, regulatory limitations on land use, and eminent domain and inverse condemnation.

#### Property II - 3 credit hours (required course)

A continuation of Property I. Prerequisite: Property I

#### Prosecution Project – 2 credits (general elective)

The Prosecution Project is a unique collaboration between law students and professional prosecutors. The Project has two aims. First, through readings and discussions with experienced prosecutors, judges, police, defense attorneys and others, students will be introduced to the professional roles of prosecutors, to their ethical responsibilities, and to the challenges faced by modern prosecutors in seeking to do justice in a rapidly changing environment. Second, through their research and analysis, students will assist the regional prosecutors in their efforts to study and address issues of importance to prosecutors and the public.

#### Real Estate Transactions – 2 credit hours (practicum/writing)

This course focuses on how residential real estate is conveyed. Lecture will discuss legal theories of title, transfer, and ownership issues. Students will prepare written projects that will require research of title records, statutes, and precedent. Projects will follow real property as it is conveyed, mortgaged, leased, and foreclosed. Condominium issues and mineral rights transfers will be addressed. Skills elements of this

course include real estate title search; drafting of purchase and sales agreements, deeds, mortgages, UCC statements, closing settlement statements, and leases; drafting and review of easements, attachments, and other encumbrances; and drafting and scheduling of foreclosure sale. Pre-requisites: Contracts I & II; Property I & II

#### Regulation of Energy Utilities – 2 credit hours (general elective)

Electric and natural gas service to consumers is provided under a complex set of laws and regulations at the state and federal levels. This course will examine the legal underpinnings of utility regulation at the state and federal levels. The course will provide an introduction to ratemaking; certificates of public convenience and necessity; renewable portfolio standards; integrated resource planning; wholesale electric markets; natural gas pipelines; and liquefied natural gas export facilities. Grading will be based on class participation and a paper or end of semester exam.

#### Remedies - 3 credit hours (general elective)

A study of the forms of legal and equitable remedies, the substantive law of restitution, and the problems of measuring damages and non-monetary forms of remedy. Various remedies are explored in both litigation and alternative dispute resolution contexts.

#### Secured Transactions/UCC - 4 credit hours (general elective)

Secured Transactions is the study of consumer and business credit transactions in which a loan is consensually secured by an interest in personal property as governed by Article 9 of the Uniform Commercial Code (UCC). The course examines the mechanics of creating and perfecting secured obligations, the application of a secured obligation to proceeds of collateral and after-acquired property, the effect of disposition of collateral by the debtor prior to satisfaction of the obligation, repossession and other rights of the secured creditor upon default by the debtor, priority rules between multiple creditors claiming security in the same collateral, and treatment of secured claims in a bankruptcy proceeding. Consideration is also given to non-consensual liens controlled in whole or part by other statutes or by common law. Payment Systems is the study of Article 3 of the UCC governing negotiable instruments and Article 4 of the UCC governing the check-collection process and the bank-customer relationship. Consideration is also given to related state and federal laws involving credit and debit card transactions, letters of credit, and electronic funds transfers. Pre-requisites: Contracts I & II

#### Securities Law – 2 credit hours (general elective)

This class will focus on the “life cycle” of a business’s need for capital. We will discuss initial formation of a company and how a startup (mom and pop, friends and family or private placement) can legally raise capital. We will also study mezzanine financing and how public offerings work. Part of our study will include equity based compensation programs that are designed to retain employees and reward initial “sweat equity” employees.

#### Sentencing – 2 credit hours (general elective)

This course will address the theories behind sentencing, as well as the practicalities of sentencing. The course will discuss sentencing guidelines and mandatory minimums, parole and “defined sentencing,” and juvenile sentencing issues. In addition, post-sentencing issues such as revocation of parole or probation and civil commitments will be addressed. The course is intended to teach students about the theories and issues involved in sentencing and about the practical information that attorneys need to consider on both the prosecution and defense sides of criminal law.

#### Solar Energy Law – 2 credit hours (seminar)

This seminar-styled class covers the major legal and policy issues affecting the development and deployment of solar energy. The class will meet for 14 weeks. The first ten weeks will be lecture classes; the last four class times are reserved for student presentations.

#### Social Security Disability – 2 credit hours (general elective/practicum)

Familiarizes students with the substantive law governing social security disability claims. The course also covers the practical aspects of representing a claimant through the application, review, and appeals processes.

#### Space Law & Policy – 2 credit hours (seminar)

This course explores the international and national laws governing outer space, including the moon and other celestial bodies. It begins with a brief look back over the first half-century of spaceflight, and the global, intergovernmental lawmaking process that produced the international legal framework for space, as a lens for analyzing the legal dimensions of contemporary and future space activities. This basis allows us to explore the development of space law and fundamental legal principles applicable to outer space, including the International Space Station and its legal structure.

As space activities are increasingly conducted by private entities, space lawmaking is shifting to national legislatures and regulatory agencies extending treaty obligations to non-governmental actors, and regulating for other public policy ends. After providing a basic understanding of the outer space legal regime, the course will turn to recent developments and more specific topics in space law, such as property rights and claims of sovereignty over outer space and celestial bodies; Outer Space Treaty requirements applicable to new proposed activities in space; commercialization and privatization of low earth orbit; military applications and use of space; legal issues associated with orbital debris; the U.S. regulatory framework for launch and reentry of spacecraft; satellite communications; and ongoing legislative efforts to address next-generation commercial space activities. The course will conclude with a look at governmental and commercial plans for the second half-century of spaceflight - including harvesting the resources of celestial bodies and human settlements in space. Attorneys specializing in space law learn a unique mixture of international, U.S. administrative, and industry specific law, policy, history, and economics. Space law is indeed a capstone course, touching on torts, property, foreign relations, insurance, and many other areas of the law.

#### State & Local Government – 2 credit hours (may be taught as general elective or seminar)

As all of you are probably aware, state and local governments play as equally an important role in our lives as does the federal government. The role of law enforcement (police, district attorneys and judges), the placement of street signs and lights, the construction, operation and maintenance of our public schools all fall primarily under the jurisdiction of our state and local governments. One of the most important ways in which we can ensure that our representatives in state and local government respond to our needs is through the election process. This course will examine how well state and local governments perform their essential functions and what we as citizens can do to insure that our representatives carry out their responsibilities.

#### Sustainable Energy Law Practice - 4 credit hours (practicum/writing)

Students explore the significant challenges facing the energy industry today, including climate change concerns, energy independence and security, traditional pollution, regulatory and litigation burdens, jobs, the price of electricity, “peak” supply, and increased energy demand. Students will gain an understanding of historical and current energy use, law and policy, both globally and nationally. The class is built around the following units: the international regime; national energy and environmental policy; coal law and policy; natural gas law and policy; transportation and oil; nuclear and renewable



energy; and legislation and litigation. Students will represent nations in mock climate treaty negotiations; debate the “hot” energy issues of the day; and advise “clients” on energy-related regulations and agreements. Reading materials are compiled from source documents (treaties, regulations, laws and court decisions), government and industry studies and reports, and current commentary. There is a significant paper due at the end of the class.

#### The Law of Starting a New Business - 2 credit hours (practicum)

This class is designed as a practicum in what to do when a client walks in the door and asks you to help them start a new business. It should benefit law students who will be joining a small firm, a large firm or starting their own firm.

Topics include:

- Your role as a Lawyer.
- The ethical issues that arise when starting a new business.
- Securities Law issues in raising capital to start a new business.
- Regulatory issues that arise with the start-up of a business.
- The law surrounding entities that might be created to carry out the new business.
- The law surrounding the purchase of an “old” business.
- What should be in an employment agreement and who should sign one.
- Intellectual property issues when starting up a new business.
- Stock option plans, executive incentive agreements etc. to reward sweat equity.
- The basics of employee benefit plans.
- Buy/Sell agreements.
- Dissolution of the new business.
- Personal liability of owners of new businesses.

The class will also provide the student with a familiarity with most of the key documents present in starting a new business.

#### Trial Advocacy - 4 credit hours (practicum)

Intensive course in the analysis, skills, and techniques of trials. The course includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross- examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony, and summations. Each participant will take part in at least one full simulated trial.

#### Virginia Civil Procedure and Practice – 4 credit hours (required course for VA bar takers)

In this course, students undertake a comprehensive and in-depth study of civil procedure and practice in Virginia state courts, as governed by statutory provisions of the Code of Virginia, Rules of Court promulgated by the Supreme Court of Virginia, and Virginia case law. In addition, students regularly work on practice essays containing issues of Virginia Civil Procedure frequently tested on the essay portion of the Virginia Bar Exam. This course is essential for students planning to practice law in Virginia and also satisfies the spring Bar Essays: Strategies & Skills course requirement for students taking the Virginia Bar Exam.

#### Virginia Criminal Law and Procedure – 2 credit hours (general elective)

This course is a review of Virginia Statutes, Rules of Court and Virginia appellate decisions important to a basic understanding of Virginia Criminal Law and Procedure. Topics include Virginia Criminal Law and Procedure distinctions, jurisdiction, venue, preliminary hearings, grand jury, pre-trial motions, trial, sentencing and appeals.

#### Virginia Drafting – 2 credit hours (practicum/writing)

The Virginia Drafting course will allow students to create their own personal file of various VA pleadings, motions, etc. The course will consist of pleadings, motions, etc. of Circuit Court, General District Court, and Juvenile and Domestic Relations Court. The subject matter of the specific pleadings, motions, etc. will concentrate in the areas of Criminal Law, Criminal Procedure, Property, Estates, Equitable Distribution, Medical Malpractice, Personal Injury, Wrongful Death, Domestic Relations, and standard orders (e.g. Continuances or Objection(s) to Order.

For each subject matter stated above the class will prepare pleadings, motions, and orders based on facts provided by the Professor. Further, the students will also have to prepare for either class discussion and/or mock hearings based on said pleadings, motions, and orders. A typical class setting will consist of either review of assignment through lecture or class discussion or through argument on a motion or other pleading.

#### Wills and Estates – 2 credit hours (general elective)

This course is an overview of the devolution of property by descent and wills. It includes a study of intestacy, will formation, and will construction. This course is a pre-requisite to the Estate Planning Practicum course. Pre-requisites: Property I & II

#### Workers' Compensation – 2 credit hours (practicum)

This course will introduce students to the practical aspects of representing claimants for workers' compensation benefits. This course will include instruction in the applicable legal theory, but the focus will be on the nuts and bolts of actually practicing in the area. Topics will include client interviewing, developing medical evidence, preparing witnesses for testimony, working with vocational experts, administrative hearing and appeals processes, and more.