

**College of Law
Proposed Catalog Changes
Effective Summer 2018**

1. Add the following course:

Law 817 Advanced Criminal Procedure: Adjudications (3 cr)

A study of the federal constitutional constraints on criminal adjudications, with a focus on the right to counsel, pretrial release, the grand jury, prosecutorial discretion, discovery obligations, guilty pleas and plea bargaining, jury trial rights, double jeopardy, and sentencing.

Prereq or coreq: Law 953.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: This course is being added in order to offer College of Law students the opportunity to learn about the constitutional law governing criminal trials, plea-bargaining, and sentencing. Much of the material covered is tested on the Bar. The subject matter is also of special importance for the many graduates of the college who pursue careers in criminal law. Additionally, many law schools, both regionally and nationally, similarly offer one course on criminal investigations and a separate course on criminal adjudications. The course has been taught by regular faculty as a “901” course for several years, and it will be covered using existing resources without additional workload.

2. Reactivate the following courses:

Law 933 State Debtor-Creditor Law (2 cr)

Study of the legal mechanisms for enforcing judgments, and the rights and protections of debtors and creditors as a matter of state law.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: This course was regularly taught by Professor Michael Satz before he became the University’s Executive Officer for Southwestern Idaho. Although the course has not been taught recently, it remains an important option and will be taught again as resources allow. The College of Law faculty wants this course to remain in the catalog.

Please note: according to our accreditor, the primary responsibility for designing and maintaining the College of Law’s curriculum must remain with the College’s faculty. The College potentially could have accreditation issues should its courses be eliminated without the express and intentional approval of the College of Law faculty.

Law 944 State and Local Government Law (3 cr)

Review of the source, scope, and limits of local government power, with reference to Idaho and other state examples. The course will consider the relationship of local governments to the state and federal government, as well as to neighboring communities and individuals.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: This course should not have been placed on dormant status. It was taught twice in the last two years as Law 901, and likely will be taught again in the near future. The College of Law faculty wants this course to remain in the catalog.

Please note: according to our accreditor, the primary responsibility for designing and maintaining the College of Law's curriculum must remain with the College's faculty. The College potentially could have accreditation issues should its courses be eliminated without the express and intentional approval of the College of Law faculty.

Law 961 Jurisprudence (2 cr)

Consideration of the various views and philosophies of law as expressed in classical and contemporary writings; methods of legal analysis, the relationship between law and justice, between law and power, and between law and truth.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: This course should not have been placed on dormant status. Jurisprudence remains an important course option for the College and will be taught regularly as soon as resources allow. The College of Law faculty wants this course to remain in the catalog.

Please note: according to our accreditor, the primary responsibility for designing and maintaining the College of Law's curriculum must remain with the College's faculty. The College potentially could have accreditation issues should its courses be eliminated without the express and intentional approval of the College of Law faculty.

Law 968 Domestic Violence and the Law (2-3 cr)

This seminar will cover the legal system's response to the problem of domestic violence and to a lesser extent, stalking and sexual assault. Students will explore both civil and criminal avenues of redress. Existing shortcomings of those responses, and proposed reforms, will be examined. The course will address how domestic violence is treated in a variety of legal contexts, including in relation to child abuse, custody, visitation, mediation, parent education at divorce, relocation, child abduction, and torts. Students will partner with members of the Domestic Violence and Sexual Assault Clinic to assist clinic students on actual domestic violence and sexual assault cases. Students are expected to complete sixty hours of clinical service, a paper and a class presentation. Students enrolled in the Domestic Violence and Sexual Assault clinic may take the Domestic Violence & the Law seminar for 2 credit hours and will not be required to complete additional hours of clinical service.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: This course should not have been placed on dormant status. It has been taught regularly by Professor Liz Brandt, including as recently as Spring 2017. It will also be offered in Spring 2018 and will continue to be offered. It is a crucial prerequisite for a new externship opportunity beginning next Fall in Boise. The College of Law faculty wants this course to remain in the catalog.

Please note: according to our accreditor, the primary responsibility for designing and maintaining the College of Law's curriculum must remain with the College's faculty. The College potentially could have accreditation issues should its courses be eliminated without the express and intentional approval of the College of Law faculty.

3. Change the following courses:

Law 815 Legal ~~Research and Writing~~ and Analysis (0 or 5 cr, max 5)

Year-long course. ~~An introduction to traditional and computer-assisted legal research, objective and persuasive legal writing, and oral argument.~~ Course focusing on written legal analysis in the context of writing predictive and persuasive legal memoranda, along with an introduction to oral advocacy.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: Beginning in the Fall of 2017, first-year students at the College of Law will be required to take a one-credit course in legal research taught by the law librarians. While Law 815, currently named Legal Research and Writing, will continue to cover the application of legal research to hypothetical clients, calling the course Legal Research and Writing may cause some confusion.

In addition, much of what we teach is the structure of a legal analysis. During the first semester, we focus on organizing a legal analysis by identifying each of the legal issues raised by the hypothetical problem and addressing each one separately. We discuss how to present the law and application to the hypothetical client fact situation. Thus the term "analysis" in the name of the course accurately reflects the content of the course.

Law 923 ~~Negotiable Instruments, Bank Collections and Deposits, and Other~~ Payment Systems (2-3 cr)

The study of paper-based and other methods of payment under state and federal law with primary focus on the law of negotiable instruments under Article 3 of the Uniform Commercial Code, Bank Deposits and Collections, and Electronic Funds Transfers under Articles 4 and 4A of the UCC and Federal Reserve Board Regulations J and CC and related federal statutes.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: 1) Variability in credits will offer administrative flexibility in scheduling and utilizing teaching resources. In addition, as of

February 2015, this subject matter is no longer tested on the Uniform Bar Exam. Therefore, instructors can adjust the breadth and depth of coverage to focus on those topics that are most relevant to practice, without concern about impacting bar passage.

(2) The course title has been shortened both to make the subject matter more accessible to potential students and for administrative convenience. The same terminology is used by many law schools.

Law 953 Criminal Procedure: Investigations (3 cr)

~~Search and seizure, arrest, interrogation, identification, right to counsel, and guilty pleas, with special attention to constitutional law and pre-trial procedures.~~ [A study of the federal constitutional constraints on criminal investigations, with a focus on searches and seizures, arrests, interrogations, identification procedures, and the right to counsel.](#)

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: Many law schools regionally and nationally offer one course on the constitutional law governing criminal investigations and a separate course on the constitutional law governing criminal adjudications. Much of the material covered in both courses – and especially in the investigations course -- is tested on the Bar. The material is also of special importance for the many graduates of the college who pursue careers in criminal law. In order to facilitate full coverage of this subject matter, the College is therefore seeking to explicitly focus the course previously called “Criminal Procedure” to a study of the constitutional law governing criminal investigations, and to formally add a course on adjudications. The course will be covered using existing resources without additional workload.

Law 960 Conflict of Laws (2-3 cr)

A study of the principles for deciding which law applies to incidents and transactions crossing state lines and of the constitutional limitations on a state's rights to impose its own law in suits arising out of such incidents and transactions; enforcement of foreign judgments, the jurisdiction of courts, and the special jurisdictional problems in domestic relations cases.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: The conventional content of a "Conflicts of Law" course in U.S. law schools includes topics that cannot be examined in a 2-credit course. These additional topics have pedagogic value and practical value. Pedagogically, they facilitate student synthesis of topics that they will have previously encountered in separate courts. Practically, they are subject to assessment on the bar exam that is required for admission to practice and also arise in many legal-practice settings. The proposal to make this a variable credit course gives the instructor the option to include additional topics to achieve the benefits just described. Because the instructor retains the discretion whether to offer the course as a 2-credit course or a 3-credit courts, this should not

increase workload because it won't require any professor who is assigned to teach more than the standard 12-credit course load for the academic year.

Law 974 Legal Aid Clinic (~~1-3 cr, max 6~~ 1-6 cr, max 9)

From time to time, specific legal aid clinics may be offered. The content of such clinics is announced in advance of the semester in which they are offered.

Prereq: Law 962; and permission; and qualification for limited license as legal intern in Idaho

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: Currently, students participating in the Legal Aid Clinic can only take it for up to 3 credits per semester, and a maximum of 6 credits. This clinic qualifies as an experiential course under the ABA criteria. Recently, the ABA increased the number of experiential credits a student must take to graduate. By increasing the number of credits a student can take this clinic for, students can satisfy this higher ABA experiential credit requirement. This proposal will not add more students to the clinic; it will only increase the number of credits each student can take the clinic for. The number of credits each student takes for clinic will be managed by the supervising faculty member to ensure adequate supervision and workload.

Law 978 Small Business Legal Clinic (~~1-3 cr, max 6~~ 1-6 cr, max 9)

Real-life experience handling transactional legal problems and assisting businesses and not-for-profits.

Prereq: Law 919 and Law 962; and Law 966, Law 967, or Law 971; and permission; and qualification for limited license as legal intern in Idaho

Available via distance: No

Geographical Area: Boise

Rationale: Currently, students participating in the Small Business Legal Clinic can only take it for up to 3 credits per semester, and a maximum of 6 credits. This clinic qualifies as an experiential course under the ABA criteria. Recently, the ABA increased the number of experiential credits a student must take to graduate. By increasing the number of credits a student can take this clinic for, students can satisfy this higher ABA experiential credit requirement. This proposal will not add more students to the clinic; it will only increase the number of credits each student can take the clinic for. The number of credits each student takes for clinic will be managed by the supervising faculty member to ensure adequate supervision and workload.

Law 992 White Collar Crime (2-3 cr)

Federal law prohibiting financial, non-violent crime, including fraud, racketeering, and bribery. The course examines principles of statutory interpretation, grand jury investigations, parallel civil proceedings, corporate and individual responsibility, sentencing guidelines, and federal-state coordination.

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: Variability in credits will offer administrative flexibility in scheduling and utilizing teaching resources. This material is not tested on the Uniform Bar Exam.

Therefore, instructors can adjust the breadth and depth of coverage to focus on those topics that are most relevant to practice, without concern about impacting bar passage.

Law 993 Appellate Clinic (~~1-3 cr, max 6~~ 1-6 cr, max 9)

Representation of clients in civil and criminal appeals before the Ninth Circuit Court of Appeals and Idaho appellate courts. Recommended Preparation: Law 953.

Prereq: Law 950, Law 962, and Law 971; and permission; and qualification for limited license as legal intern in Idaho

Coreq: Law 958

Available via distance: No

Geographical Area: Moscow, Boise

Rationale: Currently, students participating in the Appellate Clinic can only take it for up to 3 credits per semester, and a maximum of 6 credits. This clinic qualifies as an experiential course under the ABA criteria. Recently, the ABA increased the number of experiential credits a student must take to graduate. By increasing the number of credits a student can take this clinic for, students can satisfy this higher ABA experiential credit requirement. This proposal will not add more students to the clinic; it will only increase the number of credits each student can take the clinic for. The number of credits each student takes for clinic will be managed by the supervising faculty member to ensure adequate supervision and workload.

Law 994 Economic Development Clinic (~~1-3 cr, max 6~~ 1-6 cr, max 9)

Legal aid clinic in which legal interns assist Idaho counties, cities, tribes, and non-governmental agencies with economic development issues and legal problems. Recommended Preparation: Law 934.

Prereq: Law 962; and permission; and qualification for limited license as legal intern in Idaho

Available via distance: No

Geographical Area: Boise

Rationale: Currently, students participating in the Economic Development Clinic can only take it for up to 3 credits per semester, and a maximum of 6 credits. This clinic qualifies as an experiential course under the ABA criteria. Recently, the ABA increased the number of experiential credits a student must take to graduate. By increasing the number of credits a student can take this clinic for, students can satisfy this higher ABA experiential credit requirement. This proposal will not add more students to the clinic; it will only increase the number of credits each student can take the clinic for. The number of credits each student takes for clinic will be managed by the supervising faculty member to ensure adequate supervision and workload.

Law 995 Main Street Law Clinic (~~1-3 cr, max 6~~ 1-6 cr, max 9)

Representing clients in proceedings primarily involving family law issues including divorce, custody, termination of parental rights, adoption, and contempt proceedings. Clinic students also advocate for victims in domestic violence protection order hearings, defend clients in criminal misdemeanor cases, and represent clients in consumer protection matters, landlord-tenant disputes, and probate actions.

Prereq: Law 950, Law 962, and Law 971; and permission; and qualification for limited license as legal intern in Idaho

Coreq: Law 958

Available via distance: No

Geographical Area: Moscow

Rationale: Currently, students participating in the Main Street Law Clinic can only take it for up to 3 credits per semester, and a maximum of 6 credits. This clinic qualifies as an experiential course under the ABA criteria. Recently, the ABA increased the number of experiential credits a student must take to graduate. By increasing the number of credits a student can take this clinic for, students can satisfy this higher ABA experiential credit requirement. This proposal will not add more students to the clinic; it will only increase the number of credits each student can take the clinic for. The number of credits each student takes for clinic will be managed by the supervising faculty member to ensure adequate supervision and workload.

Law 996 Immigration Law Clinic (~~1-3 cr, max 6~~ 1-6 cr, max 9)

Representation of immigrant clients from a variety of countries under the supervision of clinical faculty. Cases may include asylum, permanent residence, citizenship, and relief from deportation. Students may represent clients in administrative, trial, and appellate courts.

Prereq: Law 950, Law 962, ~~and~~ Law 971, and Law 985; and permission; and qualification for limited license as legal intern in Idaho

Coreq: Law 958 ~~and Law 985~~

Available via distance: No

Geographical Area: Moscow

Rationale: Change in prerequisites: The change reflects the emphasis on entering the clinic with a basic understanding of Immigration Law, so that students can quickly apply that knowledge to their representation of clients. Even though LAW 985 works best as a pre-requisite, I need to retain flexibility to allow students to take the clinic who are only able to take the course as a co-requisite due to scheduling or other issues. The change to require Law 985 as a pre-requisite or permission will also allow for flexibility in the timing of the course offering so as to balance the overall upper level curriculum courses between the two semesters.

Change in number of credits: Currently, students participating in the Immigration Law Clinic can only take it for up to 3 credits per semester, and a maximum of 6 credits. This clinic qualifies as an experiential course under the ABA criteria. Recently, the ABA increased the number of experiential credits a student must take to graduate. By increasing the number of credits a student can take this clinic for, students can satisfy this higher ABA experiential credit requirement. This proposal will not add more students to the clinic; it will only increase the number of credits each student can take the clinic for. The number of credits each student takes for clinic will be managed by the supervising faculty member to ensure adequate supervision and workload.

Law 997 Mediation Clinic (~~1-3 cr, max 6~~ 1-6 cr, max 9)

Legal aid clinic in which legal interns provide mediation services and hone their skills in communication, facilitation, negotiation, organization, and ethics.

Prereq: Law 912 or Law 913; and Law 950, Law 962, and Law 971; and permission; and qualification for limited license as legal intern in Idaho

Available via distance: No

Geographical Area: Moscow

Rationale: Currently, students participating in the Mediation Clinic can only take it for up to 3 credits per semester, and a maximum of 6 credits. This clinic qualifies as an experiential course under the ABA criteria. Recently, the ABA increased the number of experiential credits a student must take to graduate. By increasing the number of credits a student can take this clinic for, students can satisfy this higher ABA experiential credit requirement. This proposal will not add more students to the clinic; it will only increase the number of credits each student can take the clinic for. The number of credits each student takes for clinic will be managed by the supervising faculty member to ensure adequate supervision and workload.

Law 998 Tax Clinic (~~2-3 cr, max 6~~ 2-6 cr, max 9)

Representation of low-income taxpayers in disputes with the IRS at the audit, appeals, collection, and Tax Court levels. Students are exposed to the Boise tax community through frequent practitioner guest lecturers, an IRS field trip, and by attending Tax Court calendars, and they are required to complete a community outreach project. Recommended Preparation: Law 927, Law 950, and Law 958.

Prereq: Law 930, Law 962, and Law 971; and permission; and qualification for limited license as legal intern in Idaho

Available via distance: No

Geographical Area: Boise

Rationale: Currently, students participating in the Tax Clinic can only take it for up to 3 credits per semester, and a maximum of 6 credits. This clinic qualifies as an experiential course under the ABA criteria. Recently, the ABA increased the number of experiential credits a student must take to graduate. By increasing the number of credits a student can take this clinic for, students can satisfy this higher ABA experiential credit requirement. This proposal will not add more students to the clinic; it will only increase the number of credits each student can take the clinic for. The number of credits each student takes for clinic will be managed by the supervising faculty member to ensure adequate supervision and workload.