Law 5211 Trusts and Fiduciary Administration

The Spring semester course in Trusts (#5211) will cover both common law trusts and the Louisiana Trust Code and Louisiana jurisprudence. In addition to the essentials of trust creation, modification and termination, we will also take up the fiduciary duties of a trustee in both common law and civil law. Students will have the opportunity to write a simple trust. The course carries two hours credit, and proficiency will be tested by a take-home exam. The common law materials for the course are found in Dukeminier, Sitkoff & Lindgren, Wills, Trusts and Estates (8th Edition) (Wolters Kluwer), the text that the Decedents Estates course used in the Spring and Fall 2010 semesters; there should be used copies available. The Louisiana Trust Code and jurisprudence can be found in Samuel, Spaht, Scalise and Lonegrass, Cases and Materials on Louisiana Successions (a collection of materials published by the Publication Institute here at the Law School). The Trusts portion has been bound separately for this course, although the complete set of materials was used as the text for the Successions courses this Fall 2010; used copies of these materials should be easily available.

The course is open to anyone who is planning on a general practice or who want to specialize in estate planning, except those students who have completed the course in Decedents Estates. It is open to those who have taken the Successions course since only a small amount of time in Successions can be devoted to trusts. The trust is now the mainstay of estate planning and practice. It is also open to those who have not taken Successions. Professor McGough

Law 5331 Real Estate Development (3) This course will be use recent transactions involving large-scale real estate development projects, including mixed use developments, public-private and sports stadiums to illustrate the legal techniques, financial issues and general challenges involved in project development and project financing. Class discussion will include the key documents used to develop, construct, acquire and finance projects. Students will participate in contract negotiation and drafting exercise in a simulation of designated parties to a transaction. Coverage will include sources of financing, project and construction management issues, marketing and project delivery issues. The course
will utilize both legal and business case methods related to actual projects to understand the processes and issues surrounding large scale, complex real estate development projects.

**Law 5447 International Criminal Law (2)** This course will offer a basic introduction to the subjects of international criminal law: international criminal tribunals, transnational crime (e.g., organized crime, trafficking in persons and drugs, and terrorism), and international crime (e.g., crimes against humanity, genocide, war crimes, torture, and sexual violence.

**Law 5730 Federal Natural Resources and Public Land Law (2)** Federal Natural Resources: Selected Issues Posed by the April 2010 BP Oil Spill. As it has evolved over the last half century, the Federal Natural Resources field increasingly represents an amalgam of Public Domain and Environmental Law. The BP Oil Spill and associated litigation richly illustrate this amalgam. The Deepwater Horizon drilling rig was located above the Outer Continental Shelf on High Seas within the Exclusive Economic Zone of the United States and well beyond Louisiana’s 3-nautical mile territorial sea. The BP oil well was located several thousand feet below the Deepwater Horizon rig, commencing at the seabed itself and descending some 2000 feet below the seabed. Operations associated with the leasing (by the United States) of the block in which the well is located are governed by the federal Outer Continental Shelf Lands Act, and are further subject to a variety of federal environmental acts including, most prominently, the National Environmental Policy Act. Liability arising from unauthorized discharges of petroleum from the well is subject to a variety of federal statutes, among which the most prominent is the Oil Pollution Act of 1990, enacted by Congress shortly after the Exxon Valdez’s grounding and oil spill. The course will selectively address a number of the central legal issues posed by the BP Oil Spill that flow from or are indirectly impacted by the network of applicable federal public domain and environmental measures and their interpretation by the judiciary and knowledgeable commentators.

**Law 5806 Urban Land Use and Development Seminar (2)** The increasing urbanization of the nation has brought with it many social, economic, environmental and land use challenges related to redevelopment and planning in cities. This seminar will explore existing and emerging legal problems related to increased urbanization in addition to the land use policies and decisions that have shaped contemporary urban American.
The seminar will involve interdisciplinary methodology and content and will culminate in a major piece of written work and seminar presentation.

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**5821 Problems in Proof Seminar (2)**  
Prerequisite: Credit in Law 5605 Evidence  
Evidentiary problems, with emphasis on critical analysis and evaluation of the operation of the traditional rules in actual practice and proposals for reform, including the proposed uniform rules of evidence.

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**5834 State Constitutional Law (2)**  
Selected aspects of Louisiana constitutional law arising out of the implementation of the Louisiana Constitution of 1974; concentrated primary research in the original documents of the 1973 Constitutional Convention.

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**Law 5857 – Advanced Topics in Intellectual Property Seminar (2)**  
Prerequisite: Credit in Law 5434 or Permission of the Instructor.  
Addresses problems and issues in intellectual property as selected by the instructor. The content will vary from year to year. The Spring 2011 topic will cover the interface between competition policy and intellectual property. Readings for the seminar will include Steven D. Anderman, *The Interface Between Intellectual Property Rights and Competition Policy* (2010) and the U.S. Department of Justice and the U.S. Federal Trade Commission, *Antitrust Enforcement and Intellectual Property Rights* (2007). Other readings will be provided by the instructor.

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**5866 Advanced Topics in Criminal Law Seminar (2).**  
This seminar will explore in depth three central issues: why some people are violent, whether or not our various psychological explanations of violence help to excuse it, and how the state should handle violent offenders. Each week, we will focus on a different topic that implicates these three issues. These topics include mass violence, domestic violence, juvenile violence (including school shootings), rape, battered woman syndrome, the “abuse excuse,” the psychological theory of situationism, psychopathology, the insanity defense, and capital punishment. We will also devote a class to the issue of drug legalization and to the more theoretical issue of what justifies criminal punishment. Students will be required to write a paper on a topic of their choosing after consultation with the instructor.
**Law 5869 Ethics of Litigation Seminar (2)** The course will explore the ethical litigation on attorneys as they relate to practice litigation issues, the need to zealously represent a client a lawyer’s duty as an officer of the court, societal expectations, the “business” of lawyering, and notions of truthfulness, lying, and “puffing.” Grades will be based upon a combination of paper, a class project, and class participation.

**Law 5877 Corporate Governance Seminar (2)** – A study of the principles and laws relating to the governance of U.S. publicly traded companies. The role of company management, Board of Directors, shareholders, and the responsibilities and potential liabilities of each will be examined. Director elections, proxies, and proposals and the role proxy advisory services and credit rating agencies play will also be considered. Public disclosures required will be reviewed along with the mechanisms for those disclosure (10 Q’s, and K’s, 8 K’s, Form 4’s and proxies). Students will prepare a single paper, submit it for comments, and then revise the paper.

**5888 International Law in U.S. Courts (2)** This seminar explores international law in United States federal and state courts. We will focus on current issues and debates over the applicability of customary international law in U.S. courts, the degree of comity demanded by international tribunals, the use of foreign and international precedents as authority, and recent U.S. Supreme Court decisions interpreting the application and incorporation of international law in United States. Further, we will examine longstanding U.S. court doctrines relating to international law and their continuing utility or futility. Students will be expected to complete a critical paper relating to the subject matter written under the profession’s supervision.

**Law 5894 Privacy Seminar (2)** This course will examine common law, constitutional and statutory rights to privacy within the context of current society and new technology. Balancing privacy rights and societal values is becoming increasingly different in this age of Google, social networking, advanced technology, and threats to national security. These changes create also shifts in our notions, definitions, and expectations of privacy. Consequently, some members and institutions of society are allowing a shift of the pendulum toward less, rather than more privacy.
Students in this seminar discuss concepts and readings, lead a class discussion, write an original paper on a topic they and the instructor choose together, and present the results of the research on their paper to the class.