The University of Alabama School of Law  
Faculty Meeting  
Monday, April 18, 2011

The following are minutes from the April 18, 2011, meeting of the Faculty held in the Red Room.

Dean Kenneth Randall called the meeting to order at 3:31 p.m. Persons in attendance were as follows: Andreen, Andrews, Boone, Brewbaker, Bryce, Carodine, Colquitt, Dillbary, Durham, Emens, England, Fair, Funderburg, Hornsby, Horwitz, Joyner, Ksobiech, Lee, Leonard, Pierson, K. Randall, S. Randall, Rosen, Sullivan, and Vars.

Those absent were as follows: Elliott, Hamill (p), Hobbs, Krotoszynski, Morriss, Pardo, Patton, Powell, and Render.

**Agenda Item 1.** Minutes of the Faculty Meeting held on March 21, 2011 – The minutes of the March 21, 2011, Faculty Meeting, as circulated prior to the meeting, were brought before the Faculty. No additions, corrections or deletions were offered. The minutes were approved.

**Agenda Item 2.** Report from the Curriculum Committee – Dean Randall recognized Professor Leonard as Chair of the Curriculum Committee. Professor Leonard moved that a number of courses listed in a committee report circulated in writing to the Faculty prior to the meeting be removed from the Catalog. After a brief discussion, one course, Natural Resources, was removed from the list of courses to be deleted, and the Committee’s motion to delete the remaining courses on the list passed by vote of the Faculty.

Professor Leonard next moved the acceptance of three courses in International Law as described in course abstracts provided to the Faculty in writing before the meeting. After a discussion, the motion
passed. Professor Leonard moved to create a Federal Legislative Externship and a Certificate in Governmental Affairs to begin in the Spring 2012. Professor Brewbaker was asked to discuss the extern and certificate programs, both of which were described in detail in a written report previously circulated to the Faculty. To receive the Certificate in Governmental Affairs, a student must complete either the Federal Legislative Externship, which will be based in Washington, DC, or a state governmental affairs internship, a significant portion of which must relate to the process of policy development. Participants will earn 10 semester hours credit on a pass-fail basis. The program will be monitored to ensure that it meets Law School expectations and ABA accreditation standards. The state externship must be approved by the Associate Dean, and existing judicial and prosecutorial externships will not suffice. The certificate will be awarded to students who successfully complete a structured program consisting of either of the government externships offered by the Law School as well a number of qualifying courses as described in the written memo circulated to the Faculty, an amended copy of which is appended to these Minutes. After discussion, the motion to approve both the externship and the certificate program passed on vote of the Faculty.

Professor Leonard moved that the selection process for membership on the Alabama Law Review be changed as described in a written memorandum previously circulated to the Faculty. After an extensive discussion, the Faculty voted to return the matter to the Committee for further study.

Agenda Item 3. Faculty Senate Report – Dean Randall noted that Professor Hobbs continues to undergo rehabilitation following recent surgery. He also announced that the new Faculty Senators begin their service on Tuesday, April 19. Dean Randall then called on Professor Emens for his report. Professor Emens discussed the University’s planned construction which will occur on campus during late Spring and the Summer. He cautioned Faculty members to expect detours and delays when traveling about the campus.

Agenda Item 4. Old / New Business; Announcements – Dean Randall reminded the Faculty of the upcoming Faculty Retreat and Law School Graduation.
All business having been concluded, Dean Randall adjourned the meeting at 4:25 p.m.

Respectfully submitted.

Joe Colquitt

Faculty Secretary
Curriculum Committee  
Motions for Faculty Meeting of April 18th, 2011

1. The Committee moves the removal of certain courses from the catalog (see Attachment A: Courses To Be Eliminated) and to rename Law 788 as: “Special Topics: Philosophy of Law.”

   Comment: None of the courses listed in Attachment A have been taught since Fall, 2006. The Committee feels that the catalog should not list courses that have no reasonable likelihood of being offered or have been superseded by other courses.

2. The Committee moves the creation of three new courses in International Law (See Attachment B: Proposed International Law Courses):

   a. International Trade and Investment Law
   b. The Law of War
   c. International Human Rights Law

   Comment: These proposals reflect the judgment of the international law faculty that we should add to our catalog these courses that are timely and commonly offered at other law schools.

3. The Committee moves the creation of externship programs in Washington DC and Montgomery (see Attachment C: Externship Programs Memo) as follows:

   a. That a Federal Legislative Externship Program to be offered in Washington, DC and described in attachment 1 to the memo be approved and that students participating in the Federal Legislative Externship Program be allowed to take a maximum of ten hours in externship credit, instead of the seven hours permitted for externship credit under current Law School policy.

   b. That the Law School offer a Certificate in Government Affairs as described in attachment 2 to the memo.
c. That the State Governmental Affairs Externship Program described in attachment 3 to the memo be approved.

d. That a 2-3 hour course entitled “Political and Legislative Writing” be created. (See Attachment D: Proposed Course in Political and Legislative Writing).

Comment: The proposed externship programs in Washington, D.C. and Montgomery are designed to create educational and career-oriented opportunities for the growing number of students expressing interest in government service.

4. Committee moves a proposal from the Alabama Law Review regarding membership selection (see attachment).
APPENDIX A

COURSES TO BE ELIMINATED
Classes to be Eliminated from the Catalog

Law 632 – Employee Rights
Law 680 – Natural Resources
Law 682 – Trade Regulations
Law 704 – Occupational Safety & Health
Law 745 – Tax Shelters
Law 767 – Agriculture Law
Law 775 – Corporations in Modern Society
Law 780 – Estates Trusts Fiduciary Obligations
Law 785 – Special Problems in Legal Education
Law 794 – Sexual Discrimination
APPENDIX B

PROPOSED INTERNATIONAL LAW COURSES
Proposed International Law Courses

International Trade and Investment Law – Law __. (2-3 hours).

This course will cover the law and theory of the World Trade Organization and its associated treaties, particularly including the General Agreement on Tariffs and Trade. It will also cover sources of international law regulating cross-border investment, including bilateral investment treaties. It will further cover international arbitration as a dispute resolution mechanism commonly used in the context of international investment disputes.

The Law of War – Law __. (2-3 hours).

This course will cover the sources of international law governing situations of armed conflict, typically referred to as the jus in bello or international humanitarian law. These sources include importantly the 1899 and 1907 Hague Conventions, the 1949 Geneva Conventions, and their associated 1977 Protocols, and related customary international law. These sources of international law regulate the conduct of armed forces during wartime. Issues to be considered include occupation law, targeted killings, treatment of prisoners of war including interrogation and torture, treatment of civilian noncombatants, detainment during time of war and extraordinary rendition, discrimination and proportionality in targeting to protect civilian noncombatants.

International Human Rights Law – Law __ (2-3 hours).

This course will cover the sources of international law recognizing and securing human rights to individuals and groups. It will also consider the theory and policy issues connected to the study of international human rights law, as well as issues of implementation of international human rights law in domestic legal systems. The primary sources of law to be considered include the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights, along with a number of other issue-specific sources.
APPENDIX C

EXTERNSHIP PROGRAMS MEMO
MEMORANDUM

TO: Curriculum Committee

FROM: Bill Brewbaker

DATE: April 6, 2011

RE: Washington, DC program

As you may know, the Law School is developing an increasing presence in Washington as a result of the success our alumni are having in the government sector. We are also noticing a strong desire for government service on the part of a significant number of our students. As a result, the Dean has asked me to develop a plan for formalizing our presence in Washington and improving the opportunities our students have for careers in government service, as well as their ability to serve effectively once they are there.

To those ends, this proposal includes the following items for consideration by the faculty:


II. Revision in limitation on externship hours for participants in Washington program.

III. On-site course offering in Washington, DC.

IV. Establishment of a Certificate in Governmental Affairs.

V. Establishment of new state-government externships in Montgomery beginning Summer 2012.

Thanks in advance for your consideration of, and input regarding, these proposals, which are described more fully below and in the attached documents.

I. Washington Spring Semester Externship Program

Beginning with the Spring 2012 semester, it is being proposed to offer an externship in Washington, DC, for up to six University of Alabama Law students. If the program is approved by the faculty, the Law School intends to use its contacts with the Alabama congressional delegation and others to secure in advance six legal positions on the staffs of Members, Senators or Congressional Committees. Congresswoman Terri Sewell has recently expressed an interest in recruiting University of Alabama students as interns, and the Law School has regularly placed students and graduates as interns and staff members for members of the Alabama Congressional delegation. It should be emphasized that externship positions will involve students in doing legal work, primarily assisting staff members who serve in counsel positions.
Students who successfully complete the Program will earn 12 hours of credit (10 hours of externship credit plus 2 hours of regular credit for the course described in Part II below). A proposed course description for the externship program is attached. As with existing summer externships, students will be required to complete a number of “reflective essays” as well as a longer “externship paper” addressing some aspect of legislative procedure, substantive policy or professional conduct. The program will be supervised by the Association Dean for Special Projects, who will be available to make in-person placement visits and otherwise keep in regular contact with our students during the externship to ensure that they have a meaningful learning experience. Current Law School policy limits externship hours to a total of 7. The proposal thus also includes modifying that limitation so that students participating in the Washington program would be limited to a total of 10 externship hours. See attached motion.

The Spring semester is an ideal time to offer such a program because it should be easier to secure desirable positions for our students and because it puts them in the Washington area so that they easily can make contacts for summer or post-graduation employment.

Under applicable accreditation guidelines, students may earn approximately 18 credit hours that are not “regularly scheduled class sessions at the law school.” See ABA Standard 304(b). This cap covers hours attributable to externships, law review, moot court, independent study and courses outside the law school for which credit is granted. See Interp. 304-3; 305-1. Students should be advised about this limitation as they calculate hours required for graduation.

In addition to the 10 hours of externship credit, students in the program will be required to take a 2-hour course offered by the Law School in a subject appropriate to the program—typically a seminar related to the legislative process, regulation, or a similar course. See Part II below. Those desiring to earn more than 12 hours’ credit for the semester may consider enrolling as visiting students in one of the local Washington law schools to earn additional credit hours.²

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¹ Standard 304(b) provides: A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 58,000 minutes of instruction time, except as otherwise provided. At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions at the law school.” At 700 minutes per semester hour of credit, see Interp. 304-4, the 13,000 minutes available for non-classroom instruction is 18.57 hours.

² Georgetown, for example, allows students enrolled in other US law schools with a C+ average to register as “visiting students” in their “JD/Non-Degree program.” Students in this program may take courses at the law school (including evening courses) and pay tuition on an hourly basis (currently $1630 per credit hour). See http://www.law.georgetown.edu/Registrar/ndpr.html Other schools may also offer this option.
In accordance with applicable accreditation guidelines, we will need to engage in periodic review of this program. If the program is successful, we may consider expanding it to include legal externships with administrative agencies and NGOs.\(^3\)

II. On-Site Course/Seminar Offering

As noted above, the Washington externship program will also include an appropriate course or seminar offered by the Law School to our students. We expect that Ed Rogers, our graduate and a well-known lobbyist in Washington, will teach *Political and Legislative Writing* to our externship students, as he has done in Tuscaloosa in the past. A syllabus for Mr. Rogers' prior course is attached. Our goal would be to offer a course that would be both substantially appropriate to the Washington program and oriented toward the relevant decision making processes. As noted above, the most obvious subject matter for such courses would be a course like the one Mr. Rogers has taught, a regular Legislation course or a course related to regulation and regulatory policy. In the event Mr. Rogers is unavailable, we may approach other Washington alumni such as Mike House, director of Hogan Lovell’s legislative group.

In the past, Mr. Rogers has taught the *Political and Legislative Writing* seminar under a "special topics" course number. The proposal includes a request that this seminar be approved as a new course offering at the Law School. See attached motion.

III. Certificate in Governmental Affairs

Drawing on the model of our existing Certificate in Public Interest Law, it is proposed to offer students the opportunity to obtain a Certificate in Government Affairs. This certificate would require students to complete either the proposed federal externship in Washington or the proposed state government externship in Montgomery (see Part IV. below) and complete 15 hours of required and elective courses. The certificate will be useful to the students as a way to signal to potential employers that they are interested in a career in government service, and completing the work required should equip them with the requisite skills and core competencies to work successfully in government service.

To receive the Certificate in Governmental Affairs, students must complete either the Washington externship or an approved state government externship, complete *Administrative Law* and either *Legislation* or *Political and Legislative Writing* and complete 12 additional credit hours selected from a list of courses that (i) relate to the functioning of governmental institutions, (ii) acquaint students with tools that are useful in doing policy analysis or (iii)

\(^3\) Wake Forest Law School’s “Metropolitan Externship” program, for example, places students with executive branch offices, independent agencies, and NGOs.
provide important policy background to matters that are frequently the subject of legislation. See attachment.

IV. State Governmental Affairs Externship Program

It is also proposed to establish a new State Governmental Affairs Externship Program that will provide students with opportunities in state government (primarily with state agencies in Montgomery) beginning in the Summer of 2012. These externships will allow students to work in legal jobs in state government in policy making or policy implementation settings. The Law School will normally identify these placements in advance to ensure that law students will obtain experience that is directly germane to improving relevant legal skills. These externships will be offered and supervised through our existing summer externship program. Course requirements and credit (i.e., 5 hours P/D/F) will also be similar to those in our existing summer externship program, although they reflect the different setting and skills to be developed in these externships. See attachment.
Proposed Motions from Curriculum Committee re: Washington Program and Government Affairs Certificate

The Committee moves:

1. That the Federal Legislative Externship Program to be offered in Washington, DC and described in attachment 1 be approved and that students participating in the Federal Legislative Externship Program be allowed to take a maximum of ten hours in externship credit, instead of the seven hours permitted for externship credit under current Law School policy.

2. That a seminar entitled “Political and Legislative Writing” described as follows be offered as a 2-3 hour course or seminar by the Law School:

   This seminar explores the role of private sector lawyers and non-lawyers in the creation and implementation of federal policy. Students will learn develop writing and analytic skills, as well as an understanding of the functioning of the policy formation process in the legislative and executive branches.

3. That the Law School offer a Certificate in Government Affairs as described in Attachment 2.

4. That the State Governmental Affairs Externship Program described in attachment 3 be approved.
FEDERAL LEGISLATIVE EXTERNSHIP PROGRAM -- UNIVERSITY OF ALABAMA SCHOOL OF LAW
COURSE #
(10 Credit P/D/F Placement)

I. EDUCATIONAL OBJECTIVES:

1. Enhancement of legal research, writing and advocacy skills. Students are expected to engage in legal and policy research and writing on complex issues involving constitutional, statutory, and procedural law. Students will generally have the opportunity to prepare position papers, develop and draft legislation, and/or prepare legal and policy analyses of pending legislation.

2. Enhancement of knowledge of substantive and procedural law. Students learn substantive law through briefing Members and Senators, preparing questions for witnesses, drafting policy statements and floor speeches for members, reviewing scholarly articles to identify potential witnesses for hearings and/or attending committee “markup” meetings.

3. Appreciation of professional responsibilities. Students are exposed to practical ethical and professional responsibility issues, including relevant ethics rules relevant to Senators, Members and Staff. The type, variety, and complexity of these issues, coupled with the student’s own involvement in the legislative process, aid students in obtaining greater comprehension of and respect for these standards.

4. Knowledge of the federal legislative system. Students will gain valuable knowledge and insight into the procedures of various stages of the federal legislative branches.

5. Acquisition of practical knowledge. Students also benefit from learning the customs, courtesies and governing law that exist in the various branches of government but which generally do not lend themselves to teaching through most law school courses.
II. COURSE REQUIREMENTS

In order to receive credit for the externship, students shall

1. Work in the appropriate placement site full-time (40 hours/week) for the fourteen-week externship session and receive a favorable evaluation at the end of the placement from the field supervisor.

2. Attend two three-hour class sessions.

3. Complete four, 4-5 page Reflective Essays during the placement.

4. Complete a 10-12 page Externship Paper, a course evaluation, and a “thank you letter.”

5. Be available by phone or in person for any discussions with the field director about the placement and facilitate any requested discussions between field director and your field placement supervisor.

6. Be present during any visit to the placement site by the field director.

III. GUIDELINES FOR REFLECTIVE ESSAYS:

- Each Reflective Essay should be 4-5, double-spaced pages (1400-1750 words).

- Each Reflective Essay should be in three parts:

  Part I should briefly describe what the extern has been working on and participating in during the externship (or since the last reflective essay). This Part should be 1 double-spaced page.

  Part II will be the bulk of the essay and should be 2-3 double-spaced pages. A list of topics (“Ideas for Reflective Essays”) will be provided by the Director of the Externship Program prior to the due date for the first essay. Each student should choose one topic from the list or can propose an alternative topic to the Directors.

  Part III should identify any potential problem(s) with the placement (if any) and should be 1 page.
IV. GUIDELINE FOR EXTERNSHIP PAPER:

- The Externship Paper should be 10-12, double-spaced pages (3500-4200 words).

- The Externship Paper should be in three parts:

  Part I will be the bulk of the Externship Paper. This Part should be at least 6-8 pages and should address two to three legal or ethical issues. Each student should choose the topic(s) from matters observed or worked on during the externship (omitting names or other references that might breach confidentiality if the matter was not public record). In conducting and writing this portion of the paper, be sure not to "cut and paste" work done during the externship or in connection with other courses.

  This Part should contain the extern's thoughts about some aspect of legislative procedures, substantive policy, or professional conduct.

  Part II of the paper should be 2-4 pages. It should describe what the externship experience was like. Include the good and bad experiences (if there are any bad). Be sure to include the names of people who helped during the placement and information about their assistance. This Part should also offer any suggestions for improving the externship program.

  Part III should be 2-4 pages and should offer advice for future externs going to the same placement site. Include big and small suggestions.
Certificate in Governmental Affairs

Recognizing the heritage of the University of Alabama School of Law as a training ground for leaders of our state and nation’s legislative, executive and judicial branches, the Law School is pleased to offer its students the opportunity to obtain a certificate in governmental affairs. In order to receive the certificate:

1. Students must successfully complete either the Washington governmental affairs externship or a state government externship approved by the Associate Dean for Students/Academic Affairs. The Associate Dean shall not approve a state governmental affairs externship for purposes of completing this requirement unless a significant portion of the extern’s responsibilities relate to the process of policy development. Neither judicial externships nor externships with prosecutors will usually qualify to fulfill the externship requirement; and

2. Students must complete (i) either Legislation or Political and Legislative Writing and (ii) Administrative Law; and

3. Students must complete 12 credit hours from any of the following elective courses (These courses relate to the functioning of governmental institutions, acquaint the students with tools that are useful in doing policy analysis or provide important policy background to matters that are frequently the subject of legislation):

   Law School Courses: Law and Economics; Law and Social Science; Disability Law; Consumer Protection; Antitrust Law; Health Care Law; Environmental Law; International Trade Law and Investment; Tax Policy; Regulated Industries.

   Political Science Courses (graduate level): American National Government Executive and Legislative Institutions (PSC 615); State Politics (PSC 614); Survey of Public Administration (PS 565)\(^4\)

4. Students who wish to count courses not designated as elective courses may petition the Associate Dean for Students/Academic Services. The petition shall explain how the particular course relates to the government service the student wishes to pursue. Credit for elective coursework will not normally be given for courses taught by adjunct faculty.

\(^4\) Students should note that they may count a maximum of six(6) hours of non-Law School coursework toward degree requirements and a maximum of approximately eighteen (18) hours of coursework that is not traditional law school coursework. This latter category includes externships, law review, moot court, independent study and courses outside the law school for which credit is granted. Thus, for example, a student who takes the 10-hour Washington externship and is receiving course credit for law review or moot court activities may not be able to take courses outside the Law School for credit toward graduation.
STATE GOVERNMENTAL AFFAIRS
EXTERNSHIP PROGRAM --
UNIVERSITY OF ALABAMA SCHOOL OF LAW
COURSE # *
(5 Credit P/D/F Placement)

I. EDUCATIONAL OBJECTIVES:

1. Enhancement of legal research, writing and advocacy skills. Students are expected to engage in legal and policy research and writing on complex issues involving constitutional, statutory, regulatory and procedural law. Students will generally have the opportunity to prepare position papers, develop and draft legislation, or prepare legal and policy analyses of pending legislation or regulations.

2. Enhancement of knowledge of substantive and procedural law. Students learn substantive law through performing legal analysis of pending or proposed legislation, regulation or other executive action, briefing state governmental officials, drafting policy statements and speeches or otherwise participating in the development and advocacy of proposed state government policies.

3. Appreciation of professional responsibilities. Students are exposed to practical ethical and professional responsibility issues, including relevant ethics rules relevant to government officials. The type, variety, and complexity of these issues, coupled with the student's own involvement in the legislative process, aid students in obtaining greater comprehension of and respect for these standards.

4. Knowledge of the state legislative, executive and administrative system. Students will gain valuable knowledge and insight into the procedures of various branches of state government.

5. Acquisition of practical knowledge. Students also benefit from learning the customs, courtesies and governing law that exist in the various branches of state government but which generally do not lend themselves to teaching through most law school courses.
II. COURSE REQUIREMENTS

In order to receive credit for the externship, students shall

1. Work in the appropriate placement site full-time (40 hours/week) for one of the two six-week summer externship sessions and receive a favorable evaluation at the end of the placement from the field supervisor.

2. Attend two three-hour class sessions.

3. Complete two, 4-5 page Reflective Essays during the placement.

4. Complete a 10-12 page Externship Paper, a course evaluation, and a “thank you letter.”

5. Be available by phone or in person for any discussions with the field director about the placement and facilitate any requested discussions between the Summer Externship program directors and your field placement supervisor.

6. Be present during any visit to the placement office by the program directors.

III. GUIDELINES FOR REFLECTIVE ESSAYS:

- Each Reflective Essay should be 4-5, double-spaced pages (1400-1750 words).

- Each Reflective Essay should be in three parts:

  Part I should briefly describe what the extern has been working on and participating in during the externship (or since the last reflective essay). This Part should be 1 double-spaced page.

  Part II will be the bulk of the essay and should be 2-3 double-spaced pages. A list of topics ("Ideas for Reflective Essays") will be provided by the Directors of the Externship Program prior to the due date for the first essay. Each student should choose one topic from the list or can propose an alternative topic to the Directors.

  Part III should identify any potential problem(s) with the placement (if any) and should be 1 page.
IV. GUIDELINE FOR EXTERNSHIP PAPER:

- The Externship Paper should be 10-12, double-spaced pages (3500-4200 words).

- The Externship Paper should be in three parts:

  Part I will be the bulk of the Externship Paper. This Part should be at least 6-8 pages and should address two to three legal or ethical issues. Each student should choose the topic(s) from matters observed or worked on during the externship (omitting names or other references that might breach confidentiality if the matter was not public record). In conducting and writing this portion of the paper, be sure not to "cut and paste" work done during the externship or in connection with other courses.

  This Part should contain the extern's thoughts about some aspect of legislative procedures, substantive policy, or professional conduct.

  Part II of the paper should be 2-4 pages. It should describe what the externship experience was like. Include the good and bad experiences (if there are any bad). Be sure to include the names of people who helped during the placement and information about their assistance. This Part should also offer any suggestions for improving the externship program.

  Part III should be 2-4 pages and should offer advice for future externs going to the same placement site. Include big and small suggestions.
APPENDIX D

PROPOSED COURSE IN POLITICAL AND LEGISLATIVE WRITING
Proposed Course in Political and Legislative Writing

Political and Legislative Writing – Law ___. (2-3 hours).

This course explores the role of private sector lawyers and non-lawyers in the creation and implementation of federal policy. Students will learn develop writing and analytic skills, as well as an understanding of the functioning of the policy formation process in the legislative and executive branches.
POLITICAL AND LEGISLATIVE WRITING
The Growing Role of Lawyers and Lobbyists in Federal Policy

Ed Rogers
ed_rogers@bg.doe.com
Mondays, 12:10-2:25 (Rm. A232)
TA: Kasee Sparks, kasee.sparks@law.ua.edu

This seminar will explore the growing role of private sector lawyers and non-lawyers in the creation and implementation of federal policy. The immense size and scope of the federal government and the increasing pace of regulation within the American economy has made the role of contract lobbyists more omnipresent and structured than ever before. In short, with a trillion and a half tax dollars collected and redistributed every year, there are a lot of winners and losers associated with this collection and redistribution. The regulatory tinkering with the rules associated with participating in the 11 trillion dollar US economy also produces winners and losers, sometimes on a vast scale. This seminar will explore the myths and the realities of promoting federal policy positions for private industry.

General Course Analysis

Success in this course will require you to reorient your focus away from the courts and towards Congress and the Executive Branch. You will need to learn about the legislative and regulatory processes, as well as the institutional roles played by various figures in Washington, ranging from high level elected leaders such as the President and the Speaker of the House, down to Congressional staff members, career bureaucrats, and political appointees. It will also be important for you to be aware of the purely political aspects of the legislative process and how that affects policy outcomes.

Instead of poring over appellate decisions, you will need to familiarize yourself with the Congressional Record, Congressional Committee Reports, the U.S. Code, the Code of Federal Regulations (C.F.R.), the Federal Register, Federal Election Commission (FEC) reports, as well as other official publications that follow the development of the law and public policy.

I hope that as a result of this class, you will learn more about an important dimension of the legal profession — namely the creation of new law, and not just the interpretation of existing law.
Assignment

You will be asked to assume the role of a Washington lawyer-lobbyist and prepare a memo for the senior partner at your firm, on a legislative or regulatory topic of your choosing. The only limitation is that it must be a real issue, currently pending in Washington. You may not use a hypothetical scenario of your own creation.

In your memo, you will be expected to do something that Washington lobbyists have to face everyday: There is a particular piece of legislation, or other executive or Congressional action that is of great concern to a client of your firm. In order to assist the client, your firm’s senior partner will need your advice and counsel on how to deal with this challenge. Among the things that your senior partner will want to know are:

- What form does the legislation, regulation, or other executive or legislative action take? For example, is it an amendment to an appropriations bill, a proposed rule, or a newly introduced piece of legislation?
- How does this legislation or regulation affect the client, whether it be a company, association, or interest group?
- Which officials in which particular agencies are the key decision makers?
- Which members of Congress or Senators, along with committees and subcommittees on Capitol Hill have jurisdiction over the issue?
- What is the state of play on the issue – What are the political, regional, and personal dynamics and how does that affect your chance of success?

Examples of potential clients include:
- Major corporations such as Boeing, Intel, Citibank, or Coca-Cola;
- Unions such as the Teamsters, UAW, or AFL-CIO;
- Advocacy groups such as the NRA, Sierra Club, or ACLU;
- Education, research, or non-profit institutions such as the University of Alabama, Juvenile Diabetes Research Foundation, or the Mayo Clinic;
- Industry or Trade groups such as the Chamber of Commerce, American Trial Lawyers Association, or the U.S. Telecom Association;
- Foreign Governments.

A few issues to consider include:
- Congressional action on trade promotion authority for the President;
- Limits on the recover in medical malpractice lawsuits;
- The Kennedy-DeWine legislation granting the FDA authority to regulate tobacco;
- School vouchers in the DC Education System;
- PROTECT Act (ban on virtual child pornography);
- Any topic you and I mutually agree upon.

I will expect an in-depth, scholarly analysis of the issues and a savvy analysis of the political landscape.
**Required Reading**

**Daily Publications:**

**Books:**

*The Almanac of American Politics 2008*
By Michael Barone, et. al.

*How Washington Really Works*
By: Charles Peters
Out of print. Used copies can be purchased on amazon.com.

*A Political Education: A Washington Memoir*
By: Harry McPherson

By: Peter Woll
ISBN: 0321473140

There is also a supplement of compiled articles and chapters.

**Statutes:**


**Recommended Books:**

By: Theodore Lowi, Ginsberg Shelpse
ISBN: 0393978249

*15 Biggest Lies in Politics*
By: Timothy Penny, Major Garrett

*Antiquity: From the Birth of Sumerian Civilization to the Fall of the Roman Empire*
By: Norman Cartor

*American Creation*
By: Joseph J. Ellis
Useful Websites


http://thomas.loc.gov – Commonly known as “Thomas,” this is the website for Congress. It has a wealth of information regarding legislation, committee information, votes, and the Congressional Record.

www.house.gov and www.senate.gov – The House and Senate websites contain detailed information on their respective members. In addition, they serve as gateways to Congressional Committees, some of whom have excellent websites with information about committee hearings, schedules, and mark-ups. They also have a wealth of information about law-making in general and a glossary of legislative terminology.

www.fec.gov – The Federal Election Commission (FEC) has a lackluster website, but it does have some useful resources regarding recent FEC rulings, as well as their regulations.

www.opensecrets.org – This website is run by the Center for Responsive Politics, a liberal interest group devoted to greater regulation and limitations on political fundraising. This is a useful website because it allows you to easily search for campaign contributions to various elected officials.
MEMORANDUM

TO: Faculty

FROM: Alabama Law Review (Charles Prueter, Weathers Bolt, and Andrew Hatchett)

DATE: April 12, 2011

RE: Proposed Changes to Alabama Law Review Membership Policy

Recently the Law Review has undertaken a review of its membership policy. The current system allows the top 5% to “grade-on” without having to enter the “write-on” competition and permits only the top 50% to enter the competition. In addition, the scoring of the competition has been weighted as follows: 50% GPA, 40% write-on score, and 10% Bluebook test. In light of the rising status of the law school, the goals of the ALR, and the increasing quality of our students, we propose the following new policies:

➢ All rising second-year students will be eligible to compete for ALR membership.
➢ All students wishing to join the ALR must compete in the write-on competition, which will begin in the week following the final spring semester exam.
➢ Selection will be determined based on a composite score weighted as follows: 50% GPA and 50% write-on score.
➢ All students invited to join the ALR must pass a Bluebook test.

There are three driving forces behind this proposal. First, eliminating the top 5% grade-on policy and the top 50% eligibility requirement will bring our membership policy in line with other prestigious law schools around the country. For example, here in the southeast, both Emory and Vanderbilt open their competitions to the entire student body and require all students to write a casenote in order to join those journals.

Second, the new policies will allow us to select the best editors in the rising 2L class. Junior Editors serve two basic functions: editing law review articles and writing student notes. Students who will perform those functions masterfully may fall just outside the top 50%. Under the proposal, such individuals may be invited to join the law review on the merits of their write-on scores and GPAs. Furthermore, requiring all future Junior Editors to complete the write-on competition will sharpen those writing and editing skills that are essential to producing quality professional scholarship, as well as quality student-written work.

Third, the new policies are appreciative of the fact that as the law school has improved, the student body has become more competitive, with bright students found throughout the class rankings. Indeed, the new curve has led to less differentiation between students in the rising 2L class. Thus, there is no place for arbitrary line-drawing at 5% and 50%. Moreover, the new policies will improve the selection process without reducing the prestige of the law review by equally balancing grades and write-on scores.

We have discussed these changes at length and firmly believe that they are in the best interest of the Alabama Law Review and the law school as a whole. The new policies have been discussed with Deans Randall and Marsh along with Professors Horwitz and Leonard. We now request the approval of the faculty before officially implementing the changes.
Alabama Law Review Selection Process
Changes Effective April 18, 2011

1. All Alabama Law Students who have completed the first-year course load are eligible to compete for ALR membership.
2. All students wishing to join ALR must compete in the “Write-On” Competition, which will begin the week following the final Spring-semester exam.
3. Selection will be determined based on a composite score consisting of each student’s score on the written paper and first-year GPA.
   a. The competition paper will be weighted fifty percent (50%)
   b. First-year GPA will be weighted fifty percent (50%)
4. The author of the “best Note” will be automatically invited to join ALR, without factoring first-year grades.
5. All students invited to join the Alabama Law Review must pass a Blue Book test to be developed and administered by the Executive Editor responsible for the Write-On Competition.

Current Structure of the ALR Managing Board and Credit Hours Received
No changes from prior year structure

1. Editor in Chief 3 hours per semester
2. Managing Editor 3 hours per semester
3. Executive Editors (3) 3 hours per semester
4. Acquisitions Editor 2 hours per semester
5. Operations Editor 2 hours per semester
6. Alabama Editor 2 hours per semester
7. Articles Editor (6) 2 hours per semester
8. Notes Editor (4) 2 hours per semester

Other ALR Members

1. Junior Editors 1 hour per semester
2. Senior Editors 1 hour per semester
The University of Alabama School of Law  
Faculty Meeting  
Monday, October 17, 2011

The following are minutes from the October 17, 2011, meeting of the Faculty held in the Red Room.

Dean Kenneth Randall called the meeting to order at 3:33 p.m. Persons in attendance were as follows: Andreen, Boone, Brewbaker, Bryce, Carodine, Colquitt, Dillibary, Durham, Elliott, Emens, England, Fair, Funderburg, Hobbs, Hornsby, Horwitz, Joyner, Krotoszynski, Ksobiech, Leonard, Powell, K. Randall, S. Randall, Render, Rosen, and Vars.

Those absent were as follows: Andrews, Hamill, Lee, Morriss, Pardo, Pierson, and Sullivan.

Agenda Item 1. Minutes of the Faculty Meeting held on September 19, 2011 – The minutes of the September 19, 2011, Faculty Meeting, as circulated prior to the meeting, were brought before the Faculty. No additions, corrections or deletions were offered. The minutes were approved.

Agenda Item 2. Curriculum Committee – Professor Leonard presented a succinct overview on the ongoing curriculum review, which is now in its second year. He also briefly discussed the committee’s plans for the remainder of the Fall 2011 – Spring 2012 school year.

Professor Leonard reported that the committee had chosen to leave torts offerings alone for the present. He moved on behalf of the committee to create two new courses in intellectual property, to-wit: “International Intellectual Property” and “International Property Transactions.” The motion passed.

Professor Leonard, acting for the committee, next moved to retitle “Environmental Law, Problems in (Protecting the Global Environment)” (Law 763) as “Seminar in International Environmental Law,” and to create a new course entitled “Selected Topics in Environmental Law and Policy.” The Motion passed.

In the area of administrative law, Professor Leonard moved that “Communications Law” (Law
be retitled “Mass Media Law,” and a new course entitled “Telecommunications Law” be created. The motion passed. Professor Leonard next moved that 4 new courses in the areas of constitutional law and civil rights be approved, namely “Voting Rights Law,” “Sexuality and the Law,” “The Civil Rights Movement,” and “The Fourteenth Amendment.” The motion passed.

Professor Leonard reported that the Curriculum Committee was continuing its study of the issue of credits for law review participation, and the issue might appear on the November Faculty Meeting agenda.

**Agenda Item 3. Library Report** – Professor Leonard reported that a 3-year plan was nearly finished. He stated that some “highly technical initiatives” were forthcoming. The overarching goals of the plan include: 1) adequate support for the Library; 2) addressing emerging technologies, particularly electronic media; 3) staying within budget (which is presently “under control”); maintaining a “personal touch”; and 5) dealing with retirements.

**Agenda Item 4. Faculty Senate Report** – Professor Emens announced the upcoming Health Fair on Wednesday, October 19, 2011, at which free flu shots will be offered as long as supplies last. Professor Horowitz noted that the details on the University’s new maternity leave policy appear on the University Provost’s website.

**Agenda Item 5. Announcements** – Dean Randall announced the upcoming retirement of Jenelle Marsh who has served as Associate Dean for Students and Academic Services. Professor Brewbaker briefly discussed the hiring process. Professor Elliott reminded the Faculty that, as previously announced, she and Professor Morrise would present a program on their study of scholarship data for certain subject areas in law teaching.

All business having been concluded, Dean Randall adjourned the meeting at 4:18 p.m.
Respectfully submitted.

Joe Colquitt

Faculty Secretary

B. **Environmental Law.** The Committee moves 1) the re-titling of Law 763 (presently “Environmental Law, Problems in (Protecting the Global Environment)” as “Seminar in International Environmental Law;” and, 2) the creation of a new course entitled “Selected Topics in Environmental Law and Policy.” (See Attachment B: Proposed Courses in Environmental Law).

C. **Administrative Law.** The Committee moves 1) the re-titling and redescription of Law 730 (presently “Communications Law”) as “Mass Media Law;” and, 2) the creation of a new course entitled “Telecommunications Law.” (See Attachment C: Proposed Courses in Administrative Law).

D. **Constitutional Law and Civil Rights.** The Committee moves the creation of 4 new courses entitled: 1) Voting Rights Law; 2) Sexuality and the Law; 3) The Civil Rights Movement; and, 4) The Fourteenth Amendment. (See Attachment D: Proposed Courses in Constitutional Law and Civil Rights).
Appendix A
Proposed Courses in Intellectual Property

International Intellectual Property (1-3 hours), Law ____.

This course examines international regimes for the protection of intellectual property. Students taking this course must have completed, or must take concurrently, at least one of the following: Copyright Law (Law 722), Patent Law (Law 835), or Trademarks & Unfair Competition (Law 752).

Intellectual Property Transactions (1-3 hours), Law ____.

This course examines the transactional aspects of intellectual property. Students will obtain the skills to draft and analyze intellectual property agreements both in traditional contexts and in the dynamic environment of new media.
Appendix B.
Proposed Courses in Environmental Law

Selected Topics in Environmental Law and Policy (1-3 Hours), Law ___.

This course offers in depth treatment of selected topics in Environmental law. Areas covered may include: Environmental Justice and Civil Rights, Climate Change, Biodiversity, Environmental Diversity, Oil Spills, Environmental Planning, Toxic Torts, Environmental Enforcement, Wetlands, Environmental Crimes, Coastal Law, Wildlife, Energy Law, Environmental Legal History, and Trade and the Environment.
Appendix C
Proposed Courses in Administrative Law

Mass Media Law (1-3 hours) Law 730 [Formerly Communications Law]

Mass Media Law considers the role and purpose of a free press in a democratic society, with particular attention to the legal issues that arise in the context of news gathering and distribution via mass communication networks (whether via traditional broadcast outlets, cable, satellite, or the Internet). In particular, the course considers the legal issues surrounding access to information, the legal liabilities of the press (including defamation and also controversies involving involuntary disclosure of news sources), and the legal protections offered to the institutional press, such as press shield laws. The course also considers the various modalities of communication and how the legal system and Constitution attempt to regulate or control them.

Telecommunications Law (1-3 hours) Law ___.

Telecommunications Law considers the jurisdiction and function of the Federal Communications Commission with respect to telephony, cable, satellite, and broadcast communications. In particular, the course considers various typologies of FCC regulation, including models based on free markets and competition, rate regulation of monopolies or oligopolies, and advancing public interest values. The course does not consider the regulation of journalism or journalists per se, but instead considers the regulatory and industry structures that frame modern communications.
Appendix D.
Proposed Courses in Constitutional Law and Civil Rights

Voting Rights Law (1-3 hours)

Voting Rights Law considers the statutory and constitutional issues surrounding elections and election-related communications. In particular, the course addresses the scope and meaning of the Voting Rights Act of 1965 (as amended over the years), the Federal Election Campaign Act (as amended over the years), the jurisdiction and role of the Federal Election Commission, and the constitutional rules arising under the Fifth and Fourteenth Amendments that effect candidates, parties, and the conduct of primary and general elections. The course will consider both statutory and constitutional constraints on parties, candidates, elections, and electioneering.

Sexuality and the Law. (1-3 hours)

This course examines the legal regulation of human sexuality. Topics covered may include: the history of legal and social treatment of non-traditional sexual orientations, constitutional protections for sexual minorities, government regulation of sexual conduct, legal recognition of same-sex and other alternative relationships, polygamy, parent-child relationships in non-traditional families, discrimination according to sexual orientation in employment, public services or public accommodations, sexual expression and freedom of association.

The Civil Rights Movement (1-3 hours)

This course examines central themes, institutions, and legal and political events surrounding the Civil Rights Movement. The course will examine the Civil Rights Movement in three parts. Part I will consider the major judicial decisions related to the Thirteenth, Fourteenth and Fifteenth Amendments leading up to the Supreme Court's decision in Brown v. Board of Education. Part II will focus on the Civil Rights campaign between 1955 and the passage of the Civil Rights Act in 1964. Part III will consider the legal legacy of the Civil Rights Movement. Themes discussed within this study will include the relationship between civil rights and the federal courts, and the interaction of formal legal rules, informal social attitudes, and organized political action.
Fourteenth Amendment (1-3 hours)

This course will provide advanced study of constitutional issues arising from the various clauses of Fourteenth Amendment of the US Constitution, including citizenship, privileges and immunities, due process and equal protection. Students will read the major cases covering each part of the Amendment.
The University of Alabama School of Law
Faculty Meeting

Monday, November 19, 2012

The following are minutes from the November 19, 2012, meeting of the Faculty held in the Red Room.

Dean Kenneth Randall called the meeting to order at 3:30 p.m. Persons in attendance were as follows: Andrews, Brewbaker, Bryce, Carodine, Colquitt, Cooper, Durham, Elliott, Emens, Fair, Fogle, Funderburg, Hobbs, Hornsby, Horowitz, Joyner, Krotoszynski, Ksobiech, Lee, Leonard, Lyons, Pardo, Pierson, Randall, Render, Rosen, Sullivan, and Vars.

Those absent were as follows: Andreen, Boone, Dillbary (p), Hamili (p), Head, Morriss (p), and Powell.

Agenda Item 1. Minutes of the Faculty Meeting held on October 1, 2012 – The minutes of the October 1, 2012, Faculty Meeting, as circulated prior to the meeting, were brought before the Faculty. Colquitt noted one correction to the draft of the Minutes. Agenda Item 5 duplicated Agenda Item 3. The entry for Item 5 was deleted. No additional additions, corrections or deletions were offered. The minutes were approved.

Agenda Item 2. “The Structure of Standing at 25” Symposium – Professor Elliott reported on the upcoming symposium on standing to be held on Friday, February 22, 2013. The symposium is a tribute to Judge William A. Fletcher of the 9th Circuit Court of Appeals, whose groundbreaking article “The Structure of Standing” was published nearly 25 years ago.

Agenda Item 3. AALS House of Representatives election – Dean Randall presented the question of the election of the AALS representatives. The AALS memo, October 25, 2012, on the election was
previously circulated to the faculty. Professor Heather Elliott was nominated to serve as our AALS Representative and Professor Paul Horwitz was nominated to serve as our Alternate. No other professors were nominated and, by vote of the Faculty, both nominees were elected.

**Agenda Item 4.** Honor Court Ad Hoc Committee Update – Assistant Dean Ksobiech presented an interim report on the ongoing review of the Honor Court. She noted persistent concerns about the functioning of the Court. The report was for informational purposes only. No action was requested or forthcoming at this time.

**Agenda Item 5.** Curriculum Committee Report – Associate Dean Brewhaker reported on the actions of the Curriculum Committee.

(a) Professor Brewhaker moved that the current faculty policy on academic support be replaced with an updated policy which was circulated to the Faculty in writing in advance of the meeting. Professor Ksobiech informed the Faculty that the 1993 policy is outdated and that the language of the new policy better mirrors the practice over past years. The new policy addresses academic support for first-year students on probation. First-year students on probation at the end of the Fall semester would be required to drop one doctrinal course during the Spring Semester as determined by the Assistant Dean for Students. Additionally, first-year students on probation during the Spring Semester would be required to participate in academic support activities, including but not limited to a workshop series, individualized counseling, and instruction, as determined by the Assistant Dean for Students. After a discussion, the motion passed.

(b) Professor Brewhaker next reported on the Committee’s review of the bankruptcy offerings.

(1) He moved that Law 727, Bankruptcy: Debt Restructuring be replaced with a 3-hour foundational course in Bankruptcy. The course would cover the basics of bankruptcy as governed by Chapters 7, 11 and 13. A more complete description of the course was provided to the Faculty in writing in advance of the meeting.
(2) He moved that Law 737, Bankruptcy and Other Forms of Debt Collection be replaced with a 2-3 hour course in Business Bankruptcy. The basic bankruptcy course would not be a prerequisite for this course. The course would address Chapter 7 liquidations and Chapter 11 reorganizations, but the focus would be on restructuring and reorganizing under Chapter 11. A more complete description of the course was provided to the Faculty in writing in advance of the meeting.

(3) He also moved that a new course, Bankruptcy Litigation, a 2-3 hour professional skills course be added to the bankruptcy offerings. The basic bankruptcy course would be a prerequisite. This course would provide students with a direct, hands-on experience in bankruptcy litigation. A more complete description of the course was provided to the Faculty in writing in advance of the meeting.

Following a discussion, the three motions were presented to the Faculty. All 3 motions passed.

(c) Information item – Business of Being a Lawyer (BBL) – Professor Pierson presented an overview of a new 1-hour course which would consist of a number of modules including financials issues for lawyers, emotional assessments, small-group breakouts, and other matters not normally found in typical law school courses. One possibility could be that participating attorneys would receive CLE credit for course completion. If approved, the course would be offered during the Fall 2013 semester. The report was for informational purposes only. No action was taken.

Agenda Item 6. Faculty Development Committee – Associate Dean Leonard – Motion to revise Clinic Faculty Policy [postponed to December Faculty Meeting].

Agenda Item 7. Faculty Senate Report – Professor Emens presented a brief report on Faculty Senate activities and topics of interest including the recent changes in Administration and an $18 million upgrade in information technology over the next year.

Agenda Item 8. Old Business, New Business, and Announcements – Professor Funderburg
reminded the Faculty that the planned renovation of the Hayes Room would commence almost immediately upon adjournment of the meeting. Dean Randall informed the Faculty that our law school was ranked #7 in "On Being a Black Lawyer."

All business having been concluded, Dean Randall adjourned the meeting at 4:04 p.m.

Respectfully submitted.

Joe Colquitt

Faculty Secretary
The Curriculum Committee offers the following motions to the Faculty for consideration at the November 19 meeting:

1. That the current faculty policy on Academic Support (see attached) be replaced with the following:

**Academic Support for First-Year Students on Probation**

1L students on probation in the spring semester must drop one doctrinal course as determined by the Assistant Dean for Students.

In addition, 1L students on probation in the spring semester will be required to participate in academic support activities, including but not limited to, a workshop series, individualized counseling, and instruction, as determined by the Assistant Dean for Students.

2. That the following changes be made to the Bankruptcy curriculum:

   (a) **Law 727 Bankruptcy: Debt Restructuring shall be replaced by the following course:**

   **BANKRUPTCY**
   3 Hours
   This is the foundational course for the study of the federal Bankruptcy Code and the regulation of the legal relationships between creditors and insolvent debtors. The course begins with a brief survey of individual state law collection remedies and non-bankruptcy composition and liquidation schemes. The remainder (and bulk) of the course focuses on the rights, obligations, and procedures created by federal bankruptcy law. Topics include: commencement of the case, the automatic stay, property of the estate, claims and priorities of distribution, avoidance powers of the bankruptcy trustee, use and protection of collateral during the pendency of the case, treatment of executory contracts and leases, discharge of debts, and exemptions. Basic coverage of Chapters 7, 11 and 13 is included.

   (b) **Law 737 Bankruptcy and Other Forms of Debt Collection shall be replaced by the following course:**

   **BUSINESS BANKRUPTCY**
   2-3 Hours
   Prerequisites: None. Bankruptcy is recommended but not required.
   This course focuses on problems faced by financially distressed businesses in the context of the bankruptcy process. The course will consider Chapter 7 liquidations as well as Chapter 11 reorganizations, but particular emphasis is placed on restructuring and reorganizing under Chapter 11. Topics include: the filing of a business bankruptcy case; administration of the case and appointment of professionals; use, sale, or lease of property of the estate, including cash collateral; claims of the estate and against the
estate; debtor-in-possession (DIP) financing; the role of the DIP versus the trustee; formation and role of the creditors' committee; plan formulation and claims impairment; vote solicitation and the plan confirmation process; and the use of reorganization plans as instruments of orderly and/or strategic liquidations.

(c) A new course, to be designated a professional skills course, shall be added:

**BANKRUPTCY LITIGATION**
2-3 HOURS
Prerequisite: Bankruptcy
The overall goal of this course is to provide students with direct, hands-on experience with the lawyering process in the context of issues and disputes that commonly arise during a typical contested bankruptcy case. Students will be assigned to teams representing either creditors or debtors/trustees and the teams will prosecute or defend various contested matters and adversary proceedings. Assignments may include: the debtor's schedules and the claims process, objecting to confirmation, seeking relief from the automatic stay, assumption or rejection of executory contracts and leases, nondischargeability claims and defenses, and avoidance claims and defenses. Assignments will require each team to discuss and research applicable legal principles, develop relevant facts, draft appropriate pleadings or discovery documents, and argue motions. Through these assignments, the course will address the procedural issues unique to federal bankruptcy proceedings and their interplay with rules of civil procedure and evidence, as well as local bankruptcy rules. Students will be required to follow and report on developments of a major pending bankruptcy case, and will be required to attend at least one session of bankruptcy court in Tuscaloosa.
Academic Support

It is the sense of the Faculty that adequate Support for our entire student body requires the existence of a course for those on or near probation in the second semester which is small and wherein deficiencies in technique can be directly addressed, and that the best way to accomplish this goal is to have a third section of one of the required courses usually taught in the second semester. THEREFORE: The faculty authorizes in the second semester a section of a designated first-year course limited ordinarily to an enrollment of 16 students. In the subject matter presented and academic rigor maintained, this section shall be substantially equivalent to the other section(s) of the same course, and the performance of students in this section shall be evaluated on the school's regular four point scale. Eligibility for enrollment in this section shall ordinarily be determined as follows. Second-semester first-year students who achieved less than a 2.0 grade point average for their first semester shall first receive invitations to enroll. Places remaining after these students have accepted or rejected their invitations shall be offered to other second-semester first-year students, with priority beginning at 2.0 and progressing upward in rank order so far as necessary to fill all 16 places or to exhaust the roll. Students on academic probation who enroll in this section may, at their option, also withdraw from moot court (LAW 648). All students must still complete successfully all courses required for graduation.

From Carol and Ken to those involved in ASP:

Spring 2008: Any 2007 ASP students on probation may NOT take LW. Any ASP students not on probation will be given option not to take LW. All non-ASP students on probation must take an academic-support section of LW.

2008 and future ASP's: Participants will NOT take LW in Spring 2009 and future Springs. Communications (correspondence and website) must reflect same.

Summer 2007 ASP and future Summers: In addition to Civic Pro, 1L participants will earn 1 extra hour (making them eligible for financial aid) for all Introduction of Law Sessions including some LW (PDF graded) as Special Topics or Independent Study. We have communicated this with Bill (curriculum) and Bryan.

Future Summers: Starting Summer 2008, offer 1L LW (Moot Court) enabling students after their first year to participate the following Spring of their 2L in Campbell.

We believe the above is supported by existing policy and precedent. Holler with any question.

April 13, 1992
PROPOSED PROGRAM AT UA LAW,  
THE BUSINESS OF BEING A LAWYER (BBL)  
IN THE TWENTY-FIRST CENTURY  

I. SUMMARY  

A proposed Ethics course, one-credit, mandatory for all students, to begin in the fall, 2013. This course ("BBL") is designed to help students navigate the changing legal profession. It will cover the following: (1) the changing economics of the legal profession and resulting consequences for graduating law students, (2) personal financial planning basics, (3) ("E.Q.") - an overview of predictable life crises in adulthood, particularly for attorneys, and psychological tools and resources for handling such crises, (4) "free agency": how to market oneself throughout one's working life, given the fact that the average attorney changes jobs seven times in a career.  

This course would be offered in modules which students may take in any order, at any time while they are in law school. I would like to apply for CLE approval for this course. Ideally, beginning in the fall, 2014, this course would be offered to law students and practicing lawyers who are receiving CLE credit. Students and lawyers would attend modules together.  

II. THE PROPOSED PROGRAM  

A. CONTENT  

1. Module One: Changing Economics in the Legal Profession and Resulting Consequences for Law Graduates  

   a. Changing Economics of the Legal Profession  
   Overview of employment trends by legal employers, evolving sources of revenue, billing paradigms, and expenses of private law firms, government law offices, non-profit law organizations.  

   b. Consequences for Law Graduates  
   Discussion of how these evolving economics lead to less stability in law firms, new opportunities in non-traditional practices of law, new employment patterns, the need to update the calculus of non-profit or governmental employment vis à vis private employment, increasing opportunities in law-related careers (ie, growth of businesses that provide services increasingly outsourced by legal employers).  

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1 Relevant Ethical Rules include ABA Model Rules 1.5 (fees) 4.1 through 4.4 (dealing with transactions with persons other than clients), 5.1 through 5.7 (dealing with Law Firms and Associations), ABA Model Rules 7.1 through 7.6 (dealing with conveying information about legal services, ie, advertising, direct contact with prospective clients, communication of fields of practice)

This section will build on two facts: first, working adults of the future will need to be personally responsible for their long term financial security, and second, the volatility of the legal market of the future presents financial opportunities for those prepared to maximize them. For example, it may be financially advantageous over one’s career to work as an independent contractor ("contract lawyer") with his or her own LLC, rather than serving as a salaried employee.

Topics addressed will include retirement planning and how such planning influences career choices; negotiating compensation packages with employers throughout one’s career; discussion of sample budgets demonstrating, in practical terms, how living within/below/above one’s means restricts or liberates one’s career decisions.


This section is based upon the assumptions that life always presents challenges, that the practice of law presents unique but predictable challenges, and that developing skills for coping with these life and professional hurdles is necessary and possible. Topics will include strategies for relieving stress, achieving balance in one’s life, substance abuse and other addictive behaviors. This section also will address the importance of performing pro bono work, making the point that pro bono activities are an effective way to maintain balance, remind us why we became attorneys, and infuse meaning into our professional lives.

Personality, strength, interest assessments ideally would be part of this module. Students (and attorneys, assuming CLE credit is awarded for this course) would take these assessments prior to attending this module. Part of the instruction in this module would be interpretation and discussion of assessment outcomes.

4. Module Four: How to Be an Effective “Free Agent” Throughout One’s Legal Career

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2 Relevant Ethical Rules include ABA Model Rules 8.1 through 8.5 (licensure discipline issues)

3 Relevant Ethical Rules would be innumerable, including ABA Model Rules 1.1 through- 1.18 (client-lawyer relationship), 2.1 through 2.4 (role as counselor), 3.1 - 3.9 (role as advocate), 4.1 through 4.4 (transactions with persons other than clients), 5.1 - 5.7 (law firms and associations), 6.1 - 6.5 (public service), 7.1 through 7.6 (information about legal services) and 8.1 - 8.5 (maintaining the integrity of the bar).

4 Such instruments could include Strength and Interests assessments, and law career assessments such as LawFit.
This section focuses on issues of networking, rainmaking and marketing. It assumes that given the current and future legal market, and that fact that the average attorney will change jobs seven times in a career, attorneys need marketing skills to position themselves for multiple employment situations and transitions throughout their careers.

B. Logistics

1. Requirement for Graduation
   • Completion of this course would be required for all law students.

2. Presentation of BBL
   • This course would be offered in one 2-hour introduction during orientation, and four 3-hour modules during the academic year. Each BBL module would be offered once a year. Students will have the entire time they are enrolled in the law school to take all BBL components. Students need not take the BBL components in any order. BBL components could be offered in a time slot of 3:30-6:30 PM, for example.

2. Multi-disciplinary Approach: Integration of University Resources into BBL
   • This course would draw upon faculty and staff expertise throughout the University, for example from the Business School, Departments of Psychology and Social Work, and HR. Such expertise would be especially relevant to issues of personal financial planning (Module 2) and “E.Q.” (Module 3).

3. Integrating the Practicing Bar
   • I anticipate recruiting renown attorneys to lead discussion groups at the conclusion of each module. Each discussion group would consist of 12-15 students (and attorneys, if CLE credit is granted) and convene for 45 minutes at the end of each BBL module. I plan to seek CLE credit for the attorneys leading these discussion groups (ideally, to be granted by fall, 2013). Discussion groups would be topic-oriented (ie, How to Structure an LLC for One’s Practice; Balancing Life Issues; Networking). Module attendees would select, when they register for a module, which discussion group they will attend. Each module would conclude with a reception. Thus, the proposed schedule for each BBL module is:

   3:30 - 5:45: Presentation (with one 15-minute break)

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5 Relevant Ethical Rules would include ABA Model Rules 4.1 through 4.4 (transactions with persons other than clients) and 7.1 through 7.6 (information about legal services).
5:45 - 6:30: Small group discussion

6:30 - 7:30: Reception

4. Course Materials

- I anticipate preparing online course materials that are updated regularly. Students would access materials for each module upon registration for that module. I anticipate that the materials will be polished, slick, with charts, summary boxes, links to more information.

5. Course Credit

- This proposal includes 14 hours of in-class time. Thus, I would like to offer BBL as a one-hour Ethics course credit. The course credit would be awarded to students upon completion of all BBL module.

- As noted throughout Part II (A), supra, Ethics Rules permeate every aspect of this proposed course. I anticipate addressing these rules throughout each module with case studies.

III. WHY SUCH A COURSE IS NEEDED

A. The Legal World is Changing and Law Schools Should Do As Much as Possible to Address this Fact

- The legal market is now a “mature” market characterized by a greater supply of attorneys than demand for traditional legal services. This presents opportunities as well as hurdles. Law Schools owe it to students to prepare them for this market.

B. The Importance of Sending a “Nurturing” Message to Current and Potential UA Law Students

- This course is “nurturing” as well as substantively informative. Its content and the fact that UA law School offers it will communicate to our students that the law school cares about them as people. This is an important and fair message for our students. It is also a message that will also help recruit outstanding students.

C. This Course Signals UA Law School’s Innovate Spirit to the Larger Academic and Professional Legal Worlds

- This proposed course is innovative, entrepreneurial and cutting-edge. It will signal all of these characteristics about UA Law School to the larger academic and professional worlds. Existing case books on related topics do not address the broad range of topics suggested
herein; their limited coverage highlights the originality of this program.

• This program integrates the practicing bar. It will provide yet another opportunity for practicing attorneys and our students to connect. This interaction will be even more extensive if CLE credit is awarded for this course and students, along with members of the bar, are participating in the course together.

D. This Course Presents a Unique Opportunity for Multi-Disciplinary Learning and Integration of University Resources

• This program will provide the opportunity for multi-disciplinary learning. Several of the topics, in particular those covering personal financial planning and “E.Q” issues, lend themselves to integrating University faculty experts in these fields.

E. This Course Provides an Opportunity to Highlight Existing Resources at UA Law School

• Some of the topics and much of the “nurturing” message of this program is already offered at UA Law. This course is not designed to replace any of these resources but ideally, will highlight these existing resources and help direct students to them. Among other things, simply compiling a list of all such resources and how, where and when to access them would help students utilize such resources as well as signal to the outside world the breadth of such resources provided by UA law school to its students.

F. There is a Need and Desire for Such a Course by Law Graduates

• Students need the substantive information in this course. My observation in this regard is based on the following:

  • As an Alabama State Bar Commissioner for 6 years (2004-2010), member of the Executive Committee of the Alabama State Bar for two terms, and Vice-President of the Alabama State Bar in 2008-09, I saw the challenges faced by a changing legal profession and those entering it.

One of the volunteer efforts I undertook as a Bar Commissioner was starting a state-wide mentoring program and serving, for three years, as its director. This program paired new Bar admittees with experienced attorneys, and also presented a number of mentoring programs state-wide. To create and lead this program I researched mentoring programs nationwide offered through law schools, law firms, and local, state and national bar associations.

I saw the need by new lawyers for the type of information outlined in this program. I also saw the difficulty of getting such information to new lawyers. It is surprisingly hard to establish formal mentoring opportunities. Tremendous resources and efforts were directed to establishing the Alabama State Bar program, for example, but it did
not succeed. Unfortunately, this is typical. Mentoring programs rarely succeed. This is for a variety of reasons: experienced attorneys are threatened by new attorneys especially in saturated markets; new attorneys are ill-prepared to be effective mentees; time pressures on all attorneys are significant; everyone is fearful of being candid with one another. In my opinion, and that of those who have studied mentoring programs more than I, institutionalizing mentoring, as this course would do, realistically is the only way to ensure that new lawyers get the information they need.

- In my leadership positions with the Alabama State Bar, especially as a Bar Commissioner reviewing disciplinary proceedings, I saw that financial mis-planning, often compounded by substance abuse, is the reason for most law licensure discipline. The information in this course addresses both and could help our students avoid such pitfalls.

- Beginning in 2004, I have organized an annual Women’s Leadership Event at UA Law School for female law students. This Event pairs students with women leaders in the legal profession as well as presents a substantive program. Information in this course is the type of information conveyed in Women’s Leadership Events. Students consistently tell me that such information is invaluable to them and that they do not receive it anywhere else. The lawyers who have been involved in this Event echo this sentiment. Also, regrettably, students who were not able to attend this event (it is limited to 50 students), expressed regret that the program was not larger and available to more students. This proposed course is one way to institutionalize the benefits of this event for all of our students.
The University of Alabama School of Law
Faculty Meeting

Monday, December 17, 2012

The following are minutes from the December 17, 2012, meeting of the Faculty held in the Warner Room.

Dean Kenneth Randall called the meeting to order at 3:30 p.m. Persons in attendance were as follows: Andreen, Andrews, Boone, Brewbaker, Bryce, Carodine, Colquitt, Cooper, Durham, Elliott, Emens, Fial, Fogle, Funderburg, Head, Hornsby, Horowitz, Ksoblech, Lee, Leonard, Lyons, Morriss, Pardo, Pierson, Randall, Render, Rosen, Sullivan, and Vars.

Those absent were as follows: Dillbary, Hamill (p), Hobbs (p), Joynner (p), Krotoszynski (p), and Powell.

Agenda Item 1. Minutes of the Faculty Meetings held on November 19, 2012 – The minutes of the November 19, 2012, Faculty Meetings – including a meeting of the general faculty, the tenured faculty, and the faculty holding the rank of full professor – as circulated prior to the meeting, were brought before the Faculty. Motions were made and seconded on each set of minutes, and all three sets of minutes were approved.

Agenda Item 2. Dorbin Auction – Professor Lee reported on the Dorbin Auction, which will be held on February 7, 2013. She noted that the Committee’s goal is to secure an overall increase in Faculty involvement. A meeting of the Committee will be held in early January 2013 for planning. Suggestions and input from the Faculty is encouraged.

Agenda Item 3. Curriculum Committee – Professor Brewbaker, reporting for the Curriculum Committee, moved that a new law course, the Business of Being a Lawyer, be approved, and that the
course be required for graduation for all students beginning their first year of law study in 2013 or later. A description of the course was circulated to the Faculty in writing in advance of the Faculty meeting. The course would be a one credit-hour, Pass/D/Fail, offering. It would introduce student to the economics of the legal profession, and include coverage of topics such as personal financial planning career choices; personal, professional and ethical challenges faced by lawyers; and the marketing of legal services. The course would be taught in modules. Professor Brewbaker noted that although the course would be a required course for students entering the study of law in 2013 or later, the course may be made available as an elective to current students. Following a discussion, Dean Randali presented the issue for a vote and the motion passed.

**Agenda Item 4. Development Committee** – Professor Leonard presented a proposed revision of the Faculty policy on Clinical Faculty. The proposal was circulated to the Faculty in writing in advance of the Faculty meeting. In sum, the new policy would a) abolish the probationary year and 3-year-contract system for clinicians; b) place clinicians on the same timetable as tenure-track faculty; c) require a 2/3 vote for appointment, promotion and the award of security of position; d) clarify standards relating to security-of-position and specify the requirements for substantial scholarly writings in law or clinical pedagogy for promotion or security of position; e) provide for external review of scholarship for clinical faculty seeking security of position; f) require an annual review of clinical faculty during the development process; g) clarify that faculty with tenure and clinical faculty with security of position may vote on security of position for clinical faculty; and, h) continues the role of the Faculty Development Committee in clinical faculty development but allows the Dean to appoint a clinical faculty member to participate in proceedings related to clinical faculty. The policy would become effective on January 1, 2013, but any clinical faculty member currently in the development process would be allowed to continue under the existing rules or opt into the new policy.

During the discussion of the proposal, it was clarified that the proposal – which will be presented
to the University Provost — "cannot be read" to convey the status to tenure or to authorize the awarding of tenure for clinical track faculty. Dean Randall also noted that the proposal, as a personnel matter, must be presented to the Provost's office for review. That review would be forthcoming if the proposal is approved by the Faculty. Following the discussion, the Dean offered the motion for vote by secret written ballot, and the motion passed.

**Agenda Item 5. Faculty Appointments Committee** — Professor Elliott presented the Faculty Appointment Committee’s report on the application of Richard Delgado as a candidate for a contract faculty position. Professor Elliott noted that the Faculty Development Committee had reviewed the contract application and determined that Delgado qualified for such an appointment. Professor Elliott discussed the Committee process and reported on Delgado’s teaching, publications, and service. She moved on behalf of the Committee that Professor Delgado would be offered a multi-year contract, not to exceed five years. The contract would be self-standing and any subsequent contract would not be a renewal but be treated as a new contract.

The contract would be for nine-month terms. Professor Delgado would teach three courses each year with a focus on race relations law. A summer grant opportunity would be available. He would attend Faculty meetings, but not have voting rights.

Following a discussion, Dean Randall called for a vote on the question. He explained that the motion needed a simple majority of those voting in order to pass. Moreover, the Dean noted that only tenured and tenure-track faculty could vote on the question.

By secret written ballot, with 4 Faculty members voting by written proxies, the motion passed by a substantial majority.

**Agenda Item 6. Old Business, New Business, and Announcements** — No old or new business was offered. Dean Randall called for announcements. Professor Pierson informed the Faculty that Richard
Raleigh was a candidate for President-Elect of the Alabama State Bar, for a term beginning in July, 2014. He is a 1995 graduate of the law school. A practitioner in Huntsville, he is a strong supporter of the law school.

Dean Randall acknowledged Professor Bill Brewbaker’s service as Associate Dean as his term expires. The Faculty gave Professor Brewbaker a hearty round of applause.

Dean Randall announced that Prin Escalona would be leaving her position as a Visiting Assistant Professor of Law to pursue other opportunities. Debbie Bassett will return to the law school as a Visiting Professor for the Fall 2013 term to teach civil procedure and ethics courses. He also noted that Brooke Bacak was leaving her position as Assistant Dean for Advancement to accept a position in Washington, D.C. Candice Robbins will be Acting Dean for Advancement during the recruitment process for a new Assistant Dean for Advancement.

All business having been concluded, Dean Randall adjourned the meeting at 4:27 p.m.

Respectfully submitted.

Joe Colquitt

Faculty Secretary
The University of Alabama School of Law
Faculty Meeting

Monday, April 15, 2013

The following are minutes from the April 15, 2013, meeting of the Faculty held in the Hayes Conference Room.

Dean Kenneth Randall called the meeting to order at 3:30 p.m. Persons in attendance were as follows: Andreen, Andrews, Boone, Brewbaker, Bryce, Carodine, Colquitt, Cooper, Dillhary, Durham, Elliott, Emens, Fair, Fogle, Funderburg, Hamill, Head, Hill, Hornby, Horowitz, Joyner, Krotoszynski, Lee, Leonard, Lyons, Morriss, Pierson, Randall, Rosen, Sullivan and Vars.

Those absent were as follows: Hobbs, Ksobicch, Pardo, Powell, and Render.

**Agenda Item 1.** Minutes of the Faculty Meetings held on March 18, 2013 – The minutes of the March 18, 2013, Faculty Meetings — including a meeting of the general faculty, the tenured faculty, and the faculty holding the rank of full professor — as circulated prior to the meeting, were brought before the Faculty. Motions were made and seconded on each set of minutes, and all three sets of minutes were approved.

**Agenda Item 2.** Curriculum Committee – Professor Carodine, Chair of the Curriculum Committee, on behalf of the Committee moved the approval of a new Foreclosure Relief Clinic. The proposal had been presented to the Faculty by a written memorandum dated April 10, 2013. Professor Carodine briefly informed the Faculty that Hugh Lee would teach the classroom component and the clinic would be staffed by a supervising attorney and a staff attorney. It is funded by a 2-year grant. The motion passed.

**Agenda Item 3.** Self Study – Professor Brewbaker reviewed portions of the 2013 Self-Study
Report which had been circulated in written form to the Faculty prior to the meeting. He reminded the Faculty that the Self-Study Committee sought questions, suggestions, and corrections as he reviewed the report's topics including history and organization, mission, administration, faculty, admissions, students, diversity, course of study professional skills, international programs, library, facilities, technology, career services, and finances. A brief discussion of various topics, including the allocation of resources, ensued. Following the discussion, a motion was made and seconded to approve the report and to authorize the Committee to amend the report as necessary to finalize the report.

Agenda Item 4. International Program Committee - Professor Fair orally supplemented the written report previously provided to the Faculty which addressed the mission, goals and work of the Committee. Professor Fair briefly discussed current international programs including the Summer Exchange Programs, the Semester Abroad Programs, the International Moot Court Program, the International LLM Program, and the planned JD Program. He moved the approval of a Certificate in International Law. The motion passed. He then moved for adoption of an International and Comparative Law Speakers Series. Following a discussion of the nature and merits of the proposal, the question was directed to Administration for further consideration.

Agenda Item 5. Old Business, New Business, and Announcements - Dean Randall reminded the Faculty of the upcoming graduation ceremony and briefly reported on career services and the 2013 admissions effort.

All business having been concluded, Dean Randall adjourned the meeting.

Respectfully submitted,

Joe Colquitt
Faculty Secretary
MEMORANDUM

TO: Law School Faculty

FROM: Associate Dean Montré Carodine, MGPL
Curriculum Committee Chair

DATE: April 10, 2013

RE: Proposed Foreclosure Relief Clinic

Attached are materials related to a proposal by Associate Dean Anne Hornsby for a Foreclosure Relief Clinic. Dean Hornsby and our clinical professors and staff only recently became aware of the potential for receipt of a grant to fund this project. Thus, the proposal for this new clinic is subject to the review and approval of the Curriculum Committee.
MEMORANDUM

TO: Curriculum Committee

FROM: Anne S. Hornsby, Assoc. Dean for Clinical Programs
       Hugh M. Lee, Director, Elder Law Clinic

DATE: April 10, 2013

RE: Foreclosure Relief Clinic Proposal

Overview: A syllabus is attached for a proposed Foreclosure Relief Clinic. This new clinic is designed to provide legal advice and representation to those facing a housing crisis and would constitute the law school’s eighth in-house clinical program offering. The clinic would operate like many of our other clinics, conducting client interviews, evaluating cases and accepting cases for representation in the foreclosure area.

Purpose: The purpose of the clinic is to provide students with an opportunity to practice in an area that has both transactional and litigation opportunities, while also serving a significant community need. The proposal also improves the law school’s offerings in the real property and transactional law areas.

Benefit: The Foreclosure Relief Clinic will benefit the law school in a variety of ways. The clinic will offer students an opportunity to practice in an area that has processes governed by specific, concrete regulation, but also in an area that has commercial practices that are sometimes nebulous and uncertain. This clinic will challenge students to negotiate acceptable solutions to foreclosure for clients in a changing landscape but will also offer students the opportunity to litigate and defend foreclosure cases in a stable regulatory landscape. In short, this clinic offers a unique practice opportunity in a unique subject matter area. The clinic will also provide a significant benefit to the community, as our other clinics have noted a dramatic increase in mortgage-related problems.

Details: The clinic will be offered for four (4) credits and on a graded basis. Its operation will be similar in design and structure to our other clinical program offerings.

Staffing: The clinic course component will be taught by Hugh M. Lee, who has experience handling such matters, has presented CLE presentations on foreclosure defense, has taught Housing Law in the law school and has an additional foreclosure article forthcoming from Thomson West Publishing. The clinic will also have a supervising attorney and a staff attorney.
The Foreclosure Relief Clinic (LAW 665-008) forms part of the law school’s clinical program. The Foreclosure Relief Clinic is designed to give law students an opportunity to interview, advise and represent who are facing a housing crisis because of (1) an inability to make present mortgage or loan payments; (b) the existence of an arrearage or delinquency that threatens to prompt foreclosure; (c) an imminent loan acceleration or foreclosure; or (d) any other mortgage-related crisis which threatens the housing security of the client.

You will spend the first two weeks of classes attending lectures and reviewing...
substantive materials only. You will learn about client interviewing and counseling, professional ethics, client communications, and other practice-related issues necessary for you to represent clients. You will also begin to learn about the substantive laws governing the foreclosure process, about the legal remedies available to those facing foreclosure and about the many extra-judicial remedies which are often used to address foreclosure and other financing problems, such as loan workouts, loan modification plans, and controlled surrender (deed in lieu of possession and short sale, for example).

After the first two weeks, you will begin a regular weekly schedule which includes class time, client interviews, office hours, a weekly meeting with your supervisor, and a weekly case staffing, in which new cases are presented for consideration. You will not be expected to begin casework until the third week of the semester.

Thereafter and on a weekly basis, you will interview clients, meet with the clinic director to discuss the progress of your cases and continue working on your current caseload. For the first two weeks of the semester, Tuesday and Thursday classes will be dedicated to substantive issues. After the first two weeks, Tuesday classes will be dedicated to substantive issues while Thursday classes will consist of a case staffing conference to discuss new cases, your reflections on your experience, your solutions to problems that you’ve faced and any other issue of interest to you and other students.

**Expectations**

The course consists of both a clinical component and a classroom component. Although those components are explained below, you should be aware that I expect you to spend twelve (12) hours to fourteen (14) hours per week on your obligations for this class. These expectations are consistent with the law school's expectations for other non-clinical, 4-credit courses.

Although you will work independently on your cases, many of your hours are scheduled. I expect you to attend all classes since these are designed to prepare you for the clinic casework and to work continuously on your cases. Students' weekly scheduled obligations include:

<table>
<thead>
<tr>
<th>Weekly Obligation</th>
<th>Time Required</th>
<th>When</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantive Class</td>
<td>90 minutes</td>
<td>Tues., 10:45-12:00</td>
</tr>
<tr>
<td>Case Staffing Conference</td>
<td>90 minutes</td>
<td>Thurs., 10:45-12:00</td>
</tr>
<tr>
<td>Case Status Conference</td>
<td>1 hour</td>
<td>self-scheduled*</td>
</tr>
<tr>
<td>Scheduled Office Hours</td>
<td>8 hours</td>
<td>self-scheduled*</td>
</tr>
<tr>
<td>Client Interviews:</td>
<td>2 hours</td>
<td>self-scheduled*</td>
</tr>
</tbody>
</table>

**Clinical Component Overview**

The clinical component requires students to interview clients, to prepare and deliver legal advice, to draft pleadings and documents, such as wills, advance directives, and
powers of attorney and, for those students holding their third-year practice cards, to represent clients in circuit court actions. Clinic students will not be expected to begin work on client files until the third week of classes.

**Class Component Overview**

The classroom component is balanced between the study of Alabama and federal substantive law and the development of trial skills (and knowledge of courtroom procedures). Every effort is made to avoid duplication of your trial advocacy and legal profession classes. The training in this class, rather, is geared more to the application of substantive law. Thus, we will rely on a mixture of simulations and exercises as well as lectures.

With the exception of Powerpoint handouts, **CLASS MATERIALS WILL APPEAR PRIMARILY ON TWEN.** Therefore, you should register for the Fall 2013 Foreclosure Relief Clinic Class on TWEN as soon as possible.

**Class Method**

The classes will be fast-paced and will cover a lot of substantive law in a short period of time. The course materials in TWEN contain citations to primary sources, powerpoint presentations, handouts, and other compilations which are commonly used. The classes will almost always contain role-playing and other simulation exercises. It is expected that all students will participate enthusiastically in these exercises.

**Problem sets will be posted on the TWEN site. You should review and think about these problems for class, as class will often consist of discussion of these problem sets.** I will let you know when such problem sets will be used. The TWEN site contains the Syllabus, the Policy and Procedure Manual, other commonly used documents and links to video or audio podcasts, if applicable, that I have created concerning substantive issues to be addressed in the clinic. Once the semester gets underway, I will gradually add more substantive materials and links to the TWEN page.

**Class “Cuts”**

Although I understand that emergencies arise as well as illness, please clear any absence with me prior to class. Nonetheless, I will allow each student the right to three free “cuts” without explanation or penalty, provided that the cut is cleared ahead of time.
Thank you. I am very flexible about rescheduling case status conferences as needed.

Class Attendance

Students are expected to attend all scheduled class meetings and to conduct all client interviews assigned to them. Excessive absenteeism from class or from your scheduled clinic hours affects your ability to adequately represent your clients as well as the clinic’s reputation, the quality of its representation and its ability to adequately serve its constituency. Thus, any necessary absence must be cleared with the Clinic Director. Excessive absences will result in either withdrawal from the course or impact the final grade, whichever is most appropriate. (But see “Class Cuts” section above).

Grading

This is a four-hour, graded course. The law school grading scale, as explained in the catalog, shall be applicable. Your supervising attorney will hold mid-semester evaluations of each student so that you receive some constructive feedback and indication of your progress during the semester. The law school clinical programs’ standard grade criteria for all clinics will be followed.

Course Content

Substantive and Professionalism Topics to be covered as part of this course include the following:

Substantive Topics

1) Introduction to the Foreclosure Crisis
   a. Prevalence and Scope of the Problem
   b. Most Common Causes of Foreclosure
   c. Most Common Solutions
   d. The Importance of Procedural Posture

2) Introduction to the Foreclosure Process
   a. Nature of and Relationship Between the Mortgage Instrument and Promissory Note
   c. Judicial Foreclosure Process
   d. Non-Judicial Foreclosure Process
      i. Procedural Requirements
      ii. Sale Process
   e. Judicial Intervention

3) Mortgage Foreclosure Solutions – Prior to Notice
   a. Federal Modification Programs
b. Lender-Provided Modification Programs  
c. Work-Out Loan Arrangements  
d. Resolution of Accounting Errors – Billing, Credit, Escrow & Insurance  
e. Challenges to the Mortgage Instrument and Promissory Note  
f. Deed-in-Lieu of Foreclosure  
g. Short Sales by Agreement  
h. Assumptions  

4) Mortgage Foreclosure Solutions – After Notice but Prior to Sale  
a. Continuing Availability of Loan Modification Programs  
b. Procedural Defects  
c. Judicial Intervention – Injunctive Relief - Grounds  
   i. Servicing Issues  
   ii. Procedural Issues – Notice, Robo-signing, etc.  
   iii. Substantive Issues – Sub-Prime and Predatory Lending, etc.  
   iv. Right to Cure  
   v. Lack of Standing/Failure of Assignment  
   vi. Unfair and Deceptive Lending Practices  
   vii. RESPA Requirements – Was the loan serviced properly?  

d. Negotiated Solutions  
e. Refinancing Options  
   i. New Mortgages  
   ii. Reverse Mortgages  
   iii. Home Equity Loans (to cure breach only)  

f. Bankruptcy  

5) Mortgage Foreclosure Solutions – After Sale  
a. Setting Aside Sale  
   i. Grounds  
      1. Irregular Sale  
      2. Inadequate Price  
      3. Violation of Stay  
      4. Failure of Sale Completion  
      5. Wrongful Foreclosure  
   ii. Defenses  

b. Continued Negotiation After Sale  

6) Post-Sale Considerations  
a. Right of Redemption  
   i. Statutory Prerequisites  
   ii. Cost of Redemption  
   iii. Impact of Improvements  

b. Demands for Possession  
c. Deficiency Actions  
d. Claiming a Foreclosure Surplus  
e. Rights of Tenants After Foreclosure  
f. Rights of Joint Owners – Non-Signatories v. Signatories  
g. Affect of Tenants and Joint Owners on the Foreclosure Process
Professionalism Topics

1. Establishing an Attorney-Client Relationship
   a. Scope of Representation
   b. Establishing Client Goals
   c. Encouraging Prompt Attorney-Client Communication
   d. Authorizations/Waivers/Disclosures

2. Communicating with Mortgage Lenders and Servicers
   a. Express Authority to Communicate
   b. Express Authority to Negotiate
      i. Limits of Authority
      ii. Monetary Settlement Ranges – Payments, Costs, Lump Sums

3. Advising Clients on Financial Matters
4. Negotiation Techniques
5. Drafting Letters, Pleadings & Settlement Agreements
6. Ethical Issues – Multiple Clients

Class Assignments

Required Text: National Consumer Law Center, Foreclosure Prevention Counseling (2d edition 2009). (appearing below as NCLC)

Class Materials: Class materials will appear in the class materials section of TWEN. The materials include excerpts from many sources, all of which are credited in the materials.

Fall 2013 Class Schedule

The classroom component of the Elder Law Clinic provides a combination of instruction on common substantive law problems as well as basic trial skills instruction. Here is the class schedule for Fall 2013 (subject to change):

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Topic</th>
<th>Reading</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tues, 8/20/13</td>
<td>10:45-12:00</td>
<td>Introduction and Welcome Overview of the Foreclosure Process</td>
<td>NCLC PP. 3-14</td>
<td>A-141</td>
</tr>
<tr>
<td>Thurs, 8/22/13</td>
<td>10:45-12:00</td>
<td>Client Interviewing Interview Demonstration and Simulation</td>
<td>TWEN Materials #1</td>
<td>A-141</td>
</tr>
<tr>
<td>Fri., 8/23/13</td>
<td>12:00-1:00</td>
<td>AMICUS ATTORNEY TRAINING</td>
<td>None</td>
<td>A-112</td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
<td>Topics</td>
<td>Material(s)</td>
<td>Location</td>
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</tr>
<tr>
<td>Tues., 8/27/13</td>
<td>10:45-12:00</td>
<td>Client Counseling Models&lt;br&gt;Letter Writing Seminar&lt;br&gt;- Engagement and Closing Letters&lt;br&gt;- Status Letters&lt;br&gt;- Demand Letters&lt;br&gt;- Advice Letters</td>
<td>TWEN Materials #2</td>
<td>A-141</td>
</tr>
<tr>
<td>Thurs., 8/29/13</td>
<td>10:45-12:00</td>
<td>Negotiation Skills&lt;br&gt;- Procedures&lt;br&gt;- Ethics&lt;br&gt;- Judgment&lt;br&gt;- Strategies&lt;br&gt;- Cost/Benefit Negotiation Simulation</td>
<td>TWEN Materials #3</td>
<td>A-141</td>
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<tr>
<td>Tues., 9/3/13</td>
<td>10:45-12:00</td>
<td>Overview&lt;br&gt;- Avoiding Foreclosure&lt;br&gt;- Identifying Abusive Lending Practices&lt;br&gt;- Addressing Debt and Income Issues</td>
<td>NCLC PP. 15-84</td>
<td>A-141</td>
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<tr>
<td>Thurs., 9/5/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
<td></td>
<td>A-141</td>
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<tr>
<td>Tues., 9/10/13</td>
<td>10:45-12:00</td>
<td>Loan Workouts&lt;br&gt;- Arranging a Workout&lt;br&gt;- Fannie, Freddie and Subprime Wos&lt;br&gt;- FHA, VHA and RHS Workouts&lt;br&gt;- Other Implications</td>
<td>NCLC PP. 85-156</td>
<td>A-141</td>
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<tr>
<td>Thurs., 9/12/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
<td></td>
<td>A-141</td>
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<tr>
<td>Tues., 9/17/13</td>
<td>10:45-12:00</td>
<td>Loan Modifications&lt;br&gt;- Classic Lender Modifications&lt;br&gt;- Federal Loan Modification Programs&lt;br&gt;- Basics of Loan Modifications</td>
<td>NCLC PP. 157-194</td>
<td>A-141</td>
</tr>
<tr>
<td>Thurs., 9/19/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
<td></td>
<td>A-141</td>
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<tr>
<td>Tues., 9/24/13</td>
<td>10:45-12:00</td>
<td>Loan Modifications (continued)&lt;br&gt;- Classic Lender Modifications&lt;br&gt;- Federal Loan Modification Programs&lt;br&gt;- Basics of Loan Modifications</td>
<td>NCLC PP. 157-194</td>
<td>A-141</td>
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<td>Thurs., 9/26/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
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<td>A-141</td>
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<tr>
<td>Tues., 10/1/13</td>
<td>10:45-12:00</td>
<td>Problems with Title&lt;br&gt;- resolving title issues&lt;br&gt;- effect of title issues on avail. solutions&lt;br&gt;- inconsistencies between Note and Mortgage</td>
<td>TWEN Materials #4</td>
<td>A-141</td>
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<tr>
<td>Thurs., 10/3/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
<td></td>
<td>A-141</td>
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<tr>
<td>Tues., 10/8/13</td>
<td>10:45-12:00</td>
<td>Refinancing Solutions&lt;br&gt;- New Mortgage Financing&lt;br&gt;- Reverse Mortgage Financing Using Refinancing to Cure Default</td>
<td>TWEN Materials #5</td>
<td>A-141</td>
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<tr>
<td>Thurs., 10/10/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
<td></td>
<td>A-141</td>
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<tr>
<td>Date</td>
<td>Time</td>
<td>Topic</td>
<td>Location</td>
<td>Notes</td>
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<tr>
<td>Tues., 10/15/13</td>
<td>10:45-12:00</td>
<td>Bankruptcy as a Solution - Curing Mortgage Defaults - Benefits of Automatic Stay - Effect on Loan Modification</td>
<td>NCLC PP. 209-216</td>
<td>A-141</td>
</tr>
<tr>
<td>Thurs., 10/17/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
<td></td>
<td>A-141</td>
</tr>
<tr>
<td>Tues., 10/22/13</td>
<td>10:45-12:00</td>
<td>When All Else Fails: Negotiating a “Walk Away” - Deeds in Lieu of Possession - Short Sales - Effect of Recourse v. Non-Recourse Loans - Negotiated Foreclosure</td>
<td>TWEN Materials #6</td>
<td>A-141</td>
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<tr>
<td>Thurs., 10/24/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
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<td>A-141</td>
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<td>Tues., 10/29/13</td>
<td>10:45-12:00</td>
<td>Defending a Foreclosure Action - Grounds - Process - Relief</td>
<td>NCLC PP. 195-208</td>
<td>A-141</td>
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<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
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<td>Tues., 11/5/13</td>
<td>10:45-12:00</td>
<td>Post-Sale Considerations - Demands for Possession - Statutory Redemption Period - Improvements to Property - Deficiency Actions - Recovery of Surplus Sale Proceeds</td>
<td>NCLC PP. 217-236</td>
<td>A-141</td>
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<td>Thurs., 11/7/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
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<td>Tues., 11/12/13</td>
<td>10:45-12:00</td>
<td>Putting It All Together - Simulated Foreclosure Case (Role Play)</td>
<td>NONE</td>
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<td>Thurs., 11/14/13</td>
<td>10:45-12:00</td>
<td>Case Staffing Conference</td>
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<tr>
<td>Tues., 11/19/13</td>
<td>10:45-12:00</td>
<td>Class Evaluations/Wrap Up</td>
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<td>Thurs., 11/21/13</td>
<td>10:45-12:00</td>
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**SEMESTER ENDS: FILES DUE NO LATER THAN NOVEMBER 25, 2013**

**THANKS FOR YOUR HARD WORK**