

Summer/Fall Selected Course Descriptions

Summer

Discovery Practice (Carithers)

The course will emphasize targeted written discovery and responses, and strategic use of discovery and depositions. The students will be assigned a partner and will interview clients and propound and answer written discovery, and defend and take a deposition. The teacher will provide the case information and all clients and deponents. There will be a deposition video to watch outside of class hours.

Fall

LRW III - Business Drafting (Goforth)

Students will prepare a variety of written projects, including at a minimum minutes from a simulated meeting as if the students were the secretary for the business meeting, revision of language from a standard form to fit a particular issue presented as a matter of business law under current statutes and cases, basic organizational documents for one or more forms of business organization, and at least one set of more complicated business documents. BUSINESS ORGANIZATIONS IS A PREREQUISITE (so any current 1L would have to take Business Organizations during the summer in order to be allowed to enroll in this class).

LRW III - Contract Drafting (Coats)

This class will teach contract drafting principles that will allow a client to best achieve the goals of his or her "business deal." In this course, students will learn to think about becoming a contract drafter, rather than merely a scrivener. The framework for the course will be the building blocks of a contract: the concepts of representations and warranties, covenants, rights, conditions precedent, declarations, and discretionary authority will be introduced early in the course. Rather than merely defining these terms, we'll discuss how and why a drafter chooses a specific contract concept, by looking at the analytic skill of translating the business deal into contract concepts. The skill that will be emphasized is the analytic skill that deal lawyers use when drafting, where the client's business concerns (the facts of the deal) are translated into contract concepts and then into contract provisions. In the remainder of the course, we'll turn to the specifics of contract drafting. We'll

discuss the specifics of how to draft each part of a contract, beginning with the preamble and ending with the signature lines. Some of this will entail learning detailed drafting rules, but much of it will require students to return to the skill of thinking like a deal lawyer. When the students are working on their specific assignments, we will return to the earlier focus on how to think about the contract and the deal they are working on. They will be instructed to look at a deal from the client's business perspective and how to add value to a transaction by identifying business issues. Toward the end of the course, we will focus on drafting rules for good writing and techniques to enhance clarity and to avoid ambiguity.

Students will have three assignments – the first, short assignment will be to draft a short contract provision where they'll take a straightforward legal concept and translate it into a clause in a contract. The two longer assignments will be based on one general business deal. For their major assignment, students will draft a service agreement for a major corporation. Half of the class will prepare an initial draft for one party, and half will prepare one for the other party. The parties will exchange drafts with opposing counsel and will negotiate a final contract that will be acceptable to the opposing party. As there will be a gap in the negotiations and the closing of this service agreement, however, they will first draft a nondisclosure agreement to prevent the parties from sharing confidential information during the negotiations phase. This nondisclosure agreement will be their second assignment.

American Indian Law (Laurence)

This course deals with the legal status of the Indian tribes in the United States as governments. As such, the course looks carefully into the concept of a government, and inspects how the tribes fit into American federalism. We will also deal with the enforcement and abrogation of various treaties between the U.S. and the tribes.

American Indian Law is a wide-ranging 2-credit-hour course in seminar format, where regular participation and active discussion of the topics will be expected and rewarded. There will be a mid-term and a final exam, but no term paper. Attendance will be required. There will be no casebook; we will discuss cases and other materials off the web.

If you have any questions about the course you can contact Professor Laurence at rlaurenc@uark.edu

Domestic Relations - Drafting (Martinsky)

This class will focus heavily on the practical and procedural aspects of domestic relations law, and will introduce students to some common issues that arise in prenuptial agreements, divorces, and child custody proceedings. The class will walk students from start to finish through a marriage, divorce and a child custody dispute. Upon completion of the course, students should be able to draft a Complaint and Answer in Divorce, a Petition for Temporary Custody, a Divorce Decree, a Child Custody Agreement, a Petition to Modify Custody, Petition to Modify Child Support, and a Motion for Contempt and Order to Show Cause. If time permits, students will also be introduced to other areas of domestic relations law, such as adoption.

ADR Advocacy (Mullen)

This course is a study of the issues involved in advocating for your client during alternative dispute resolution processes. You will learn to assist your clients in understanding the different processes, in preparation for the alternative dispute resolution session, and how to overcome barriers during alternative dispute resolution processes. You will be able to identify and advocate for their client's interests and goals. You will participate in a role-playing exercise either as a client or an advocate to demonstrate the skills and issues that were discussed during the week.