

**First Assignment
Upper Division
Spring 2024**

Assignments are subject to change, please check frequently.

December 15, 2023

Academic Achievement Workshop: CA Civil Procedure – Prof. Kiel

Administrative Law – Prof. Gerson

Introduction to the Course and Overview of Administrative Law & APA and Practice 101

Readings:

Shapiro et al., 1-37; 43-50

Ezra Klein interview with Nicholas Bagley: [Apple Podcasts](#); [Spotify](#)

Advanced Legal Analysis – Prof. Sassi

Advanced Legal Research – Prof. Baker

No first assignment.

Advanced Legal Research – Prof. Weaver

No first assignment.

Advanced Negotiation – Prof. Waller

Read chapter 1 of both texts, Getting to Yes and Legal Negotiations.

Alternative Dispute Resolution – Prof. Waller

No first assignment.

Bankruptcy – Prof. Hardison

Welcome to Bankruptcy class. The full syllabus and assignments will be posted on Canvas when the course materials open. But, I wanted to highlight the first week's assignments, because I would like you to work on them before the first class, and one ideally before you start reading the textbook or materials.

Writing assignments for (before) first week:

1. The first assignment is not something you will turn in, but something you will need to have done for a short reflective assignment at the end of the semester. Right now, at the beginning of this semester, and ideally before you start the readings, please write down (in a Word file) in as much detail as you can what you believe bankruptcy attorneys do, what benefits their clients get from bankruptcy, and how the attorneys assist them in that process. Again, no one else will see this, so it can be 'stream of consciousness' with no regard for grammar or spelling. But please try to put some detail and effort into it.
2. The second assignment is to briefly interview 1-2 non-lawyers about what they think the bankruptcy system is. It can be friends or family, but preferably not a lawyer or law student, since this is to start thinking about what clients are like and what non-attorneys know about the law. It doesn't need to be a long discussion with the person. You can

basically tell the person that you are taking a bankruptcy class and the teacher asked you to ask nonlawyers how they think the bankruptcy system functions - what specifically people get by filing for bankruptcy, what happens during the bankruptcy case and what downsides there are. Then, in a Canvas discussion board post, briefly highlight some things they said that you think might be misconceptions about what bankruptcy is or how it functions (you can also note what things you think they were correct about). You will need to post this assignment before the first class. (Post by Sun. 1/7/24 11:59pm). There is no necessary format or formalities – just several sentences or bullet points or a short paragraph. But, we will use the responses as part of our overview of the Bankruptcy system in the first class.

Reading assignment for First Week:

The textbook for the course is Margaret Howard & G. Eric Brunstad, Jr., *Bankruptcy Cases and Materials*, 7th ed. (2023), ISBN 978-1-63659-055-4. The textbook reading assignment for the first week is to read pgs. 1-42. The first week we are discussing an overview of collections inside and outside bankruptcy and an overview of the bankruptcy system. (Note that if for some reason you are unable to obtain the textbook before the first class, the U.S. Courts website has a nice overview summary of the bankruptcy system at www.uscourts.gov under services-forms => bankruptcy => bankruptcy basics.)

Generally, most of the cases we discuss in the class are in the textbook, but throughout the trimester I may assign a few additional cases that I ask you to pull and print from Westlaw, Lexis or another source. There are two such cases for the first week. So, before the first class, please pull and read:

1. Siegel v. Fitzgerald, 142 S. Ct. 1770 (2022); and
2. Greenfield v. Anderson (In re Greenfield), Case No. CC-13-1006-KiTaKu, 2013 Bankr. LEXIS 4615, 2013 WL 5525738 (B.A.P. 9th Cir. Oct. 1, 2013).

Don't be overwhelmed if you don't fully understand them – I will not be grilling students on them. One is a recent Supreme Court case that addressed the constitutionality of a change in bankruptcy fees, and the other involves a disciplinary action against a bankruptcy attorney. Just read them through once. I am assigning them not so much for the legal issues discussed but rather to give a glimpse of and to discuss how the Bankruptcy system functions as a whole, including the various participants and their roles.

Enjoy the winter break and I look forward to seeing you all on Zoom for the first class!

John Hardison

jhardison@cwsli.edu

Bar Exam Fundamentals – Prof. Enright

Contracts Substantive Review - Watch All Contracts Modules and Chapters Online (Themis)

Bar Exam Fundamentals – Prof. Ligioso

Contracts Substantive Review - Watch All Contracts Modules and Chapters Online (Themis)

Bar Exam Fundamentals – Prof. McManus

Contracts Substantive Review - Watch All Contracts Modules and Chapters Online (Themis)

Bar Exam Fundamentals – Prof. Reimus

Contracts Substantive Review - Watch All Contracts Modules and Chapters Online (Themis)

Business Organizations – Prof. Schaumann

Read pages 1 – 6 in the text.

Business Planning – Prof. Padilla

Read [R] Ch. 1, A-E. In class, we will cover the following:

Introductions

General background & course structure

Review housekeeping details in syllabus

Discuss “What is Business Planning?”

Get to Know the Client Exercise: Introduction to Safecar and its founders

Briefly discuss entrepreneurs and the role of a business lawyer

California Civil Procedure – Prof. Pathak

Read Chapter 1 of the Casebook. The remaining reading assignments will be posted on Canvas on a rolling basis.

California Evidence – Profs. Garrard and Carr

California Sentencing Seminar– Prof. Bahr

Read the CEB California Criminal Law Procedure and Practice (CCLP) Section 37.5 and CEB California Criminal Sentencing Enhancements (CCSE) Chapter 1: Sentencing Overview.

Children and the Law – Prof. DeSoto

Week 1- Jan 9: Children’s Status, Rights & Obligations

- Parens Patriae Doctrine
 - Read A&R p. 25-35; 39-86

Clinical Externship Seminar – Prof. Cato

Clinical Externship Seminar – Prof. Dadhania

Welcome to the Clinical Externship Program and Seminar. The following is your assignment for the first week of the semester. We will not have class on Monday, January 8, 2024. Instead, you

will have individual meetings with me during that week. (Our first class will be on Monday, January 22 because Monday, January 15 is a holiday.)

The following is your assignment for the weeks of January 8 and January 15:

- (1) Please familiarize yourself with the course's Canvas page.
- (2) Review the course syllabus, available on the course's Canvas page under Syllabus.
- (3) Sign up for a 30-minute time slot to meet with me on Zoom during the week of January 8 or January 15. Please use this link to sign up: <https://calendly.com/pdadhania/externship-individual-meetings>. If none of the times listed work for you, email me to set up another time to meet.
- (4) Before your meeting with me, please do the following:
 - a. Complete the Lawyering Effectiveness survey from UNC Law's Career Development Handbook. This survey can be found on Canvas under "Week 1 – Individual Meetings" in the Modules link.
 - b. Based on your results from the Lawyering Effectiveness survey and other expectations you have for your externship experience, identify at least 3 goals you have for yourself this semester in the Externship Program as well as potential obstacles to your achievement of those goals. Some examples of personal goals are:
 - Improve your ability to collaborate;
 - Learn to give and/or accept constructive criticism;
 - Become more/less assertive;
 - Become more aware of what you bring to client representation and how your own background may affect the lawyer-client relationship;
 - Become more sensitive to ethical issues;
 - Learn how to make decisions more deliberately by broadening the range of options considered and selecting rationally among them;
 - Learn how to approach work in a more creative manner;
 - Improve work/life balance;
 - Evaluate the work you do this semester to determine whether it is something you want to practice in the future;
 - Improve your confidence about your professional abilities;
 - Improve time management skills;
 - Learn how to work effectively with a supervisor;
 - Learn how to balance multiple responsibilities;
 - Become more productive in remote work environment;
 - Cultivate mentoring relationships while working remotely; etc.

These are just some examples to help you start thinking about your personal goals. The range of goals available to you in the Externship Program is vast—please feel free to come up with your own.

- c. **Email me your completed survey before our meeting.** You do not need to email me your goals, but we will talk about them during our meeting. Bring your completed survey and your list of goals/obstacles to our meeting. We will monitor your progress on these goals throughout the semester.

Clinical Externship Seminar – Prof. Day

Clinical Externship Seminar – Dean Dessent

Clinical Externship Seminar – Prof. Einesman

Welcome to the SPRING 2024 Externship Seminar! I look forward to our time together this semester.

Please be sure to review all the documents I posted on Canvas. Please complete the assignment, **due Sunday January 7, 2024, at 9:00 pm for class on Tuesday January 9, 2024 at 5:30 pm.**

The first assignment and first class will focus on your goals for your externship experience. Your assignments are normally due by **9 pm on the Sunday before Tuesday's class.** Every week you will have a reflective essay assignment which I will send to you via email to your CWSL email address on the Friday before our Wednesday class. (Please see class schedule on the last page of the syllabus for specific dates).

Reflective Essay

For your first assignment, please write at least two pages single-paced regarding:

- 1) Your background and any hobbies of interest (or something interesting about you that is not law-related)
- 2) Where you are externing, your prior legal experience, and why you chose the externship
- 3) Your goals for your externship and how you intend to accomplish them, including the One Big Question you want your externship to answer for you and
- 4) Your anxieties or concerns about your externship. Please feel free to address the Covid concerns you may have about pursuing your externship.

Reading Assignment

Your reading assignment for the first week is to read through the following documents under **MODULE 1 on the CANVAS site:**

- **Externship Requirements**
- **Supervising Attorney Handbook**

- Professor Seibel’s Primer on Externships
- Reflective Essay Examples
- Tips from Prior Externs
- Making a Good Impression

Please send your reflective essay to me via email at fle@cwsu.edu as an attachment in WORD by Sunday January 7, 2024, at 9:00 p.m. Please put your name and date on each page of your essay. Please number the pages in the document. Please save the document with your last name and the number of the assignment. For example: feinesman1

In addition, please send your signed and dated Confidential Agreement with your first assignment. You can find the document in the Externship Requirements Packet on Canvas.

During the week of January 14, we will not meet as a class. Instead, we will meet individually on Zoom for about 30 minutes. Please see the schedule of individual meetings below. If you would like to sign up for a time slot, please email with your three top choices.

I hope everyone has a great first few days at their placement. Please be sure to discuss your goals with your supervising attorney during your first week. I look forward to meeting you all in class.

Professor Floralynn Einesman

fle@cwsu.edu

INDIVIDUAL MEETING WITH PROFESSOR EINESMAN ON TUESDAY JANUARY 16, 2024

TUESDAY JANUARY 16

- 3:30 _____
- 4:00 _____
- 4:30 _____
- 5:00 _____
- 5:30 _____
- 6:00 _____
- 6:30 _____
- 7:00 _____

WED. JANURAY 17

- 5:00 _____
- 5:30 _____
- 6:00 _____
- 6:30 _____

Clinical Externship Seminar – Tuesday and Wednesday Sections – Prof. Vavasour**Introductions and Goal Setting**

To Do: Submit Reflective Essay No. 1 by January 8.

Submit Confidentiality Agreement to me through Canvas by January 8.

Confirm Course added on Canvas

Community Law Project – Profs. Sisitsky/Janowsky

Please look for an email from the professors for first assignment information.

Community Property – Prof. Smythe

Comparative Law – Prof. Cooper

John C. Reitz, *How To Do Comparative Law*, 46 AM. J. COMP. L. 617 (1998). The article is attached (and on Westlaw/Lexis) and will be in the “Files” of the Canvas/Instructure course page for Comparative Law.

Conflict of Laws – Prof. Oppong

Readings:

Preface, pp. vii-ix

Ch. 1: Introduction, pp. 1-8

Hypotheticals 1-1 through 1-5

Ch. 2: Lex Fori, pp. 9-28

Hypotheticals 2-1 through 2-6

Constitutional Law I – Prof. Shaw Roy

Read Articles I-VII of the U.S. Constitution, which can be found at pp. xxxix-xlvii in Erwin Chemerinsky, *Constitutional Law* (6th Edition 2019).

Constitutional Law II – Prof. Shaw Roy

Read pp. 503-517 and 522-532 in Erwin Chemerinsky, *Constitutional Law* (6th Edition 2019).

Corporate Finance – Prof. Aul

Please look for an email with first assignment, sent December 12, 2023.

Criminal Justice and Artificial Persons – Prof. Kaye**Readings**

1. Mark Coeckelbergh, *AI ETHICS*, MIT Press (2020), chapters 2, 4-6
2. Selmer Bringsjord & Naveen Sundar Govindarajulu, *Artificial Intelligence*, in Stanford Encyclopedia of Philosophy (Fall 2022 ed.), pp. Sections 1-5.

Assignment

1. *Reaction Paper*: Write at least one page answering this question: “How close is AI to personhood, and would it be good if AI achieved person-hood. (This paper should be at least 250 words, and you should be prepared to read it to the class.)

Criminal Procedure – Prof. Sheley

The Nature and Purpose of Criminal Procedure, Allen pp. 9-24

Education Law – Prof. Jones

Historical & Legal Perspectives	Alexander – Chapter 2, pp.32 - 85	Introduce yourself by video, see Canvas assignment; include why you chose this course.
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Employee Benefit Law & ERISA – Prof. Kovacic

No first assignment.

Employment Discrimination – Prof. Bisom-Rapp

Charles J. Sullivan, Stephanie Bornstein, & Michael J. Zimmer, Cases and Materials on Employment Discrimination (Aspen 10th ed. 2022) (CB)

Charles J. Sullivan, Stephanie Bornstien, & Michael J. Zimmer, Employment Discrimination: Selected Cases and Statutes (Aspen 2023) (SCS) Other Materials – will be posted on Canvas (OM)

SESSIONS	TOPIC	CB	SCS	OM
Jan 9	Individual Disparate Treatment	1-21	<i>skim</i> 249-250 (§703(a) – (d)); 56 (§623(a)); 72-73 (§631)	
Jan 11	<i>Individual Disparate Treatment cont.</i>	28-35; 40-53	<i>skim</i> 163 (§1981)	

Environmental Law – Prof. van de Biezenbos

First day: Intro to Environmental Law, read syllabus, textbook Chapter 1 Introduction & The Tragedy of the Commons, <https://www.epa.gov/history/milestones-epa-and-environmental-history> ,

Second day: Textbook Chapter 3, Command and Control Regulation and Market-Based Approaches

Evidence – Prof. Kaye

I. INTRODUCTION

Topic 1: Trials and Trial Structure

The Adversary / Jury-Trial System, pp. 21-23

The Structure of the Trial, pp. 23-33

II. RELEVANCE AND PREJUDICE

Topic 2: Relevance and Prejudice — Introduction to Relevance

FRE 401, 402

Explanation of FRE 401 and 402, pp. 66-76, and Key Points, p. 80

Problems: Problem 1 (*look in Canvas for problem sets*)

Topic 3: Relevance and Prejudice — Identifying Prejudice; Balancing

FRE 403

Probative Value and the Rule 403 Dangers, pp. 83-94

FRE 403: Specific Problems and Applications, pp. 94-98, and Key Points, pp. 99

Problems: Problems 2, 3

Federal Crimes – Prof. Conover

No first assignment.

Federal Income Tax – Prof. Yu

No first assignment.

Forensic Evidence – Profs. Nominati/Mack

Text

CEB Scientific Evidence and Expert Testimony in California

Available at www.ceb.com/aba with Cal Western's code CSX21. **You must request access at least 2 business days in advance.** You will create an account and once that is done, you access the reading by logging into ceb.com with your username and password you created. Once there, go to the *Secondary Sources*, then to the *Criminal Law Chapter*, then go to *Scientific Evidence and Expert Testimony in California*.

Read: Chapter 1 for first class

Health & Law Policy – Prof. Sax

Please see Canvas.

Labor Law – Prof. Ochoa

Casebook: pp. 1-3 (Introduction); 5-95 (Evolution of Labor Relations Laws)

Appendix: pp. 30-32 (Section 7 & Section 8(a) of the NLRA); pp. 131-133 (Evolution of Labor Relations Laws)

For this first assignment, I do not expect you to memorize the facts of the cases, nor the doctrines, discussed in pages 1-55. These sections are designed to give you background and familiarity with some recurring issues in this course.

By contrast, the topics discussed in Part I, Section II – Jurisdiction, Organization and Procedure of the NLRB (pp. 56-95) will be something we return to repeatedly throughout the course. It would benefit you to not just read, but rather study, this portion of the reading.

Law & Religion – Prof. Gudel

INTRODUCTION: RELIGION IN AMERICA

- 1) Sanneh, “Under God,” in Canvas.
- 2) Berns, “Religion and the Founding Principle,” in Canvas.

Law and Ethics of Big Data – Prof. Simon

Welcome to the Law and Ethics of Big Data! Your reading assignment for the first day of class will provide background on some of the legal and ethical issues that can arise when working with data and artificial intelligence. We will discuss how the use of AI and data might affect consumers, companies, employees, and governments. In addition to the reading, please sign up for the course website through Canvas (<https://cwsl.instructure.com>).

Before our first class, please read:

- Course Syllabus (to be posted on Canvas soon)
- Kevin Roose, We Need to Talk About How Good A.I. Is Getting, N.Y. Times, August 24, 2022, <https://www.nytimes.com/2022/08/24/technology/ai-technology-progress.html>, archived at <https://perma.cc/7QY4-YNAX>
- Sarah Kuta, Why This School District Used A.I. to Help Determine Which Books to Ban, Smithsonian, Aug. 21, 2023, <https://www.smithsonianmag.com/smart-news/why-this-school-district-used-ai-to-help-remove-library-books-180982762/>, archived at <https://perma.cc/HX46-WZ2K>
- Drew Harwell, Wanted: The ‘Perfect Babysitter.’ Must Pass AI Scan for Respect and Attitude, Washington Post, Nov. 23, 2018, <https://www.washingtonpost.com/technology/2018/11/16/wanted-perfect-babysitter-must-pass-ai-scan-respect-attitude/> archived at <https://perma.cc/CF3D-MDKN>
- Neil Richards & Jonathan King, Three Paradoxes of Big Data, 66 Stan. L. Rev Online 41 <https://www.stanfordlawreview.org/online/privacy-and-big-data-three-paradoxes-of-big-data/>, archived at <https://perma.cc/929G-2MQM> and [HeinOnline](#).
- Katherine J. Wu and Mike Isaac, Frontline Workers Were Left Off the Vaccine List at Stanford Medical Center in Palo Alto. They Fought Back., N.Y. Times, December 18, 2020, <https://www.nytimes.com/2020/12/18/world/covid-stanford-health-center-vaccine-protest.html>, archived at <https://perma.cc/HK7V-SRW8>
- *Optional: Fajans and Falk, pages 1-5 and 13-15*

Mental Health Law – Prof. Gates

No first assignment.

Motion Picture Contract Drafting – Prof. Robin

No first assignment.

New Media Rights – Internet and Media Law Clinic – Profs. Neill/Lee

Look for an email from the professors regarding your first assignment.

Patent Preparation and Prosecution – Prof. Samora

Professional Responsibility – Prof. King

Read: ABA Model Rules; Preamble, Scope and Rule 1.0
(Terminology) (Zittrn, pp. 5-12)
California Rules of Professional Conduct (CRPC) 1.0, 1.0.1 (Zittrn, pp. 490-494)

Then read Wydick, pp. 68-70 (Part II. “Sources of Guidance on Legal Ethics” only): and
Heineman *et al.*, “Lawyers as professionals and as citizens” article (posted on Canvas)

Privacy Law – Prof. Mendez

· [OECD Privacy Guidelines, Part 2- Basic Principles of National Application](https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0188)
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0188>

· “10 Reasons Why Privacy Matters” by Daniel Solove <https://teachprivacy.com/10-reasons-privacy-matters/>

· “Why we should stop fetishizing Privacy” by Heidi Messer.
<https://www.nytimes.com/2019/05/23/opinion/privacy-tech-companies.html>

Optional Reading:

· Samuel Warren and Louis Brandeis, The Right to Privacy, pages 193-207, 210-220.
<http://www.jstor.org/stable/1321160>

Real Property Finance – Prof. Berys

No first assignment.

Remedies – Prof. Yeager

Contracts: Seller’s Remedies for Lost Profits
Neri v. Retail Marine Corp., 30 NY2d 393 (NY 1972)
Canvas File: Neri Lost Volume Seller Review

Sexuality, Gender Identity and the Law – Prof. Marcus

Welcome to Sexuality, Gender Identity and the Law! This will certainly be an interesting and thought-provoking seminar and I look forward to our upcoming discussions about timely and interesting issues that this seminar will address.

Before our first class, you will need to

- (1) Purchase the casebook required for this course.
- (2) Read through the syllabus and Canvas page for this course carefully

- (3) Read the excerpt of *Dobbs v. Jackson Women’s Health Organization* (the Supreme Court opinion from 2024 that overturned *Roe v. Wade* and *Casey v. Planned Parenthood*) as provided in pp. 1-31 of the attached Casebook Update (which is also posted at the top of the Canvas modules). This is an important reading, and one that we will revisit throughout the course. As such, make sure you carve out sufficient time to complete it before our first class.
- (4) As you read through *Dobbs*, think about how to answer these questions, and be prepared to discuss your thoughts around them in class (note: similar Opening Questions will be posted on Canvas for future readings as well):
- What are the main takeaways from each opinion (both majority opinion, and the excerpts of concurrences and dissent)?
 - What do the majority opinion and the separate opinions say about which types of rights are “fundamental rights” deserving of heightened constitutional protections, and what the appropriate role of history and tradition are in that determination? What do you think the appropriate role is?
 - What could the *Dobbs* opinion mean for reproductive rights more broadly? For the right to privacy? For LGBTQ rights?
- (5) Supplemental optional additional readings: strongly recommended if you are not already familiar with the cases: the excerpts from *Roe* and *Casey* on pp. 63-79 of the casebook.

Spanish for Lawyers – Prof. Lopez

Please note all required reading materials are in the Modules in Canvas.

Required Reading

- La Constitucion de los Estados Unidos de America
- Understanding differing cultural meanings of time. BBC news article.

Specialized Legal Research: Business Resources – Prof. Weaver

Sports Law – Prof. Teaff

Text Preface, Acknowledgments, and Table of Contents, at pages v-xv; text pages 3-5 and pages 245-246.

State and Local Taxation, California and Multistate – Prof. Kovacic

No first assignment.

Torts II – Prof. Bisom-Rapp

Vicarious Liability	Prosser: 751-752_	Glannon: 517-528_	Understanding Torts: 217-218
<i>Murrell v. Goertz</i>	Prosser: 760-762_	-	

Trademark Clinic – Prof. Hawkes

READING:

- Robinson, Introduction.
- Video on how to set up USPTO account available by searching the USPTO website, or here:

The step by step instructions start at 7:24 and end at 23:40. But you are welcome to watch the whole video as well <https://youtu.be/TwGA9NFibGY>

Trial Practice Lecture – Prof. Parisi

Trusts & Estates – Prof. Yu

No first assignment.

Women and Immigration Law – Prof. Bautista

Class 1: Introduction to the Course (Jan 9)

Women’s Migration to U.S. Discuss Concepts to Apply to Later Topics Migrant Women Fulfilling Traditional Gender Roles? Discuss child care, cook, elder care, housecleaning, sexual services

Barbara Ehrenreich and Arlie Hochschild. *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*. Granta Books, 2003.

Introduction, p.1-13

Just Another Job? The Commodification of Domestic Labor, p.104-114

Because She Looks Like a Child, p. 220-229

Clashing Dreams: Highly Educated Overseas Brides and Low-Wage U.S. Husbands, pp. 230-238

Galang, Evelina. *Lolas’ House*. Northwestern University Press, 2017.

Welcome to Lola’s House, p. 6-12

Through the Mercy of God p.13-54

Turtle! Turtle! p. 67-72

Soliven, *The Mango Bride* (begin reading and complete before Jan 30th class)
