

**TO: 2L and 3L Students**

**FROM: Associate Dean Christine Hurt**

**Date: June 4, 2019**

## **How to Choose Your Courses 2019-20**

Congratulations!

Rising 2Ls: You have successfully completed your first year of law school and are ready to #createyourownpath at BYU Law School.

Rising 3Ls: You've almost made it!

As you know, in your second and third years of law school, you have substantial discretion to choose the courses you wish to take. To graduate, you will be required to take a Professional Responsibility course, to fulfill the Substantial Writing and Professional Skills requirements (described in greater detail below), to take at least six (6) hours of "skills" (simulations, field placements, or clinics) training, and to take at least sixty-nine (69) credits that are not field placements, co-curriculars or non-law classes.

Beyond those requirements, you determine the path that you take over the next four semesters. As you make these decisions, you should keep in mind the importance of gaining a broad, general background in the law; the benefit of taking courses that challenge you to think carefully and analytically; and the need to expose yourself to areas covered by the bar exam. Moreover, some degree of course focus may be appropriate for students who, through experience and inquiry, have a desire to specialize in a particular area. An intense focus in one area may also enhance the learning experience as you build on knowledge and expertise gained in previous courses. Furthermore, it is difficult to prove to a potential summer employer or post-graduation employer that you are truly interested in an area if you did not take a course in that area.

With that background, some specific considerations that may influence your course selection decisions are set forth below. Four semesters go by very quickly; some planning and prioritization can ensure you satisfy all graduation requirements and are able to meet prerequisites for desired classes.

### **1. Graduation Requirements**

Graduation requirements are more specifically described in Section VIII of the Law School's Policies and Procedures, which are accessible on the Law School's website. For advice about graduation requirements, you may contact me or the Law School Registrar, Gaelynn Kuchar.

Most importantly, the ABA requires accredited law schools grant degrees only to students who complete a program of legal education described by the ABA. In particular, students must have a requisite number of hours (90 credits at BYU), and a subset of those hours (69 at BYU) must be earned in courses that are not field placements, co-curriculars, or non-law courses. ***In other words, BYU law students may only earn credit for 21 hours of field placements (our Clinical Alliances and externships), Co-Curriculars (journals, Trial Advocacy or Moot Court), or nonlaw classes (classes offered by other departments).***

We sometimes refer to this as the “ABA Bucket” or the “21-Hour Bucket.” For most students, this is an ample allowance. For joint degree students, this means that student must choose more carefully as part of this 21-hour “bucket” is filled with credits from their joint degree program. **Clinics, however, are not under this same limitation.**

In addition to the 21-Hour Bucket, BYU Law School also has two separate limitations for Co-Curricular credits and “field placement” (Clinical Alliance and Externship) credits. For those graduating classes, students may count only six (6) credits of Co-Curricular credits toward graduation. In addition, students may count only twelve (12) credits of Externship/Clinical Alliance credits. There are some other limitations on types of Externship credits and exceptions for students in the Washington Semester or similar program. Those details are in the Policies & Procedures.

## **2. Required Upper-Division Course**

The only specifically required upper-division course is Professional Responsibility, which all students must successfully complete before graduating. The Law School offers this course each semester.

## **3. Substantial Writing Requirement**

Each student must individually prepare, during his or her second or third year, a substantial paper. The paper must be written for credit in connection with a Law School course or seminar, a co-curricular law journal, or Directed Research. Courses that offer the substantial writing option are so designated in the Law School course materials. For more information about this requirement, please see Section II of the Law School’s Policies and Procedures.

## **4. Professional Skills Requirement**

Each student must fulfill the Professional Skills Requirement by completing six hours of Professional Skills credit, which may include externship credit and/or upper-division courses designated as a Professional Skills course in the Law School course materials. A Professional Skills Course may be a simulation course or a course that involves advising or representing a client. Simulation courses are generally graded on the standard numeric scale; courses involving live clients are graded pass/fail. For the 2019-20 school

year, in addition to all externship credits, clinics, and clinical alliances, the following courses being offered have been designated Professional Skills Courses:

Appellate Brief Writing  
Basic Mediation  
Business Organizations Skills Lab  
Civil Discovery  
Civil Trial Practice  
Community Lawyering  
Criminal Trial Practice  
Criminal Trial Advocacy  
Estate Planning  
Immigration Law Practicum  
Intellectual Property Moot Court

Intellectual Property Skills Lab  
Jessup Moot Court  
Legal Drafting  
Legal Interviewing & Counseling  
Negotiation  
Public Speaking for Lawyers  
Securities Regulation Skills Lab  
Real Estate Development  
Technology Licensing  
Transactional Legal Drafting  
Trial Advocacy

## 5. Bar Examination Subjects

For information about bar examination subjects, please consult the websites for the state bar association of the state in which you plan to take the bar exam. Utah and 33 other jurisdictions have adopted or are in the process of adopting the Uniform Bar Examination (UBE), which provides portability of UBE scores within those jurisdictions. Administering and grading the examination uses the jurisdiction's resources, so it is for each UBE jurisdiction to decide whether it will allow persons who are not seeking admission there to sit for the examination. The UBE is composed of two Multistate Performance Test (MPT) tasks, the Multistate Bar Examination (MBE), and the Multistate Essay Examination (MEE). The MPT is designed to test an examinee's ability to use fundamental lawyering skills in a realistic situation. Each test evaluates an examinee's ability to complete a task that a beginning lawyer should be able to accomplish. The MPT is not a test of substantive knowledge. Rather, it is designed to examine fundamental skills lawyers are expected to demonstrate regardless of the area of law in which the skills arise.

The states that have not adopted the UBE (but still use the MBE) are California, Delaware, Florida, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Nevada, Oklahoma, Pennsylvania, South Dakota, Virginia, and Wisconsin.

The MBE covers the following topics, most of which are covered in the first year of law school: **Constitutional Law; Contracts; Criminal Law & Procedure; Evidence; Federal Civil Procedure; Real Property; Torts.**

The MEE may cover any of the following topics:

Business Associations (Agency and Partnership; Corporations; and Limited Liability Companies)  
Conflict of Laws  
Constitutional Law  
Contracts

Criminal Law & Procedure  
Evidence  
Family Law  
Federal Civil Procedure  
Real Property  
Torts  
Trusts and Estates (Decedents' Estates; Trusts and Future Interests)  
Uniform Commercial Code (Secured Transactions)

In addition, bar admission applicants are required to take and achieve the required score on the Multistate Professional Responsibility Examination (MPRE) for admission to the bars of all but three U.S. jurisdictions (Maryland, Wisconsin, and Puerto Rico). The purpose of the MPRE is to measure the examinee's knowledge and understanding of established standards related to a lawyer's professional conduct based on the law governing the conduct of lawyers, including the disciplinary rules of professional conduct currently articulated in the American Bar Association (ABA) Models of Professional Conduct, the ABA Model Code of Judicial Conduct, and controlling constitutional decisions and generally accepted principles established in leading federal and state cases and in procedural and evidentiary rules.

## **6. Courses Recommended for All Law Students**

The following courses are recommended for all law students, regardless of their eventual area of practice. Many of them are also prerequisites for other courses. For course information, please see the Course Descriptions on the Law School's website.

Administrative Law  
Business Organizations  
Criminal Procedure  
Evidence  
Federal Income Taxation I  
Introduction to Intellectual Property  
Secured Transactions  
The First Amendment or The Fourteenth Amendment  
Wills and Estates

## **7. Courses Offered in 2019-20 that Are Unlikely to Be Offered in 2020-21**

Some courses are taught at the law school in alternate years. Other courses are taught only by adjuncts or visiting professors and not part of the regular schedule. For these and other reasons, know that not all courses scheduled for this year will be offered next year. For example, here is a partial list of courses that may not be offered next year:

Blockchain & Cryptocurrency Law  
Corporate Compliance and Risk Management  
Cyberlaw

Election Law  
Employment Discrimination  
Jurisprudence  
Law & Corpus Linguistics  
Law & Economics  
Law & Public Education  
Law of Armed Conflict  
Oil & Gas  
Public Lands  
Sentencing  
Sports Law  
Water Law

### **8. New Courses for 2019-2020**

We are excited to offer some new courses this year. These courses may be offered in 2019-20, but they may not. If one of these courses sounds interesting, you should try to take it this year.

Advanced Torts Seminar  
Business & the Constitution  
Children & the Law  
Corporate Finance  
Juvenile Justice  
Lincoln, Lawyer, Leader  
Philosophy of Law  
Women & Migration

### **9. Externships, Clinical Alliances and Clinics**

Field placements (externships) in a variety of settings are available for credit. Most externships during the Fall and Winter semesters are supervised in various Clinical Alliance courses. Please contact the Career Services Office regarding placement opportunities, or the professors listed as supervising the externships. Identification of a placement is the responsibility of the student registering for a Clinical Alliance course, though the Career Services Office and Clinical Alliance professors are happy to help assist students in securing placements.

### **10. Overlapping Classes**

Note that the registration software will allow you to register for classes that have overlapping times. (For example, a class that ends at 9:45 and a class that begins at 9:30, or a class ends at 9:45 and another begins at 9:45.) However, the law school cannot give you credit for both classes under ABA rules that mandate a minimum number of instructional

minutes to earn credit. We try to monitor this manually and notify you that you must drop one of these classes. Do not register for overlapping classes; if you do, please do not ignore an instruction to drop one of those courses. After the add-drop period has ended, there are no good solutions to this problem, so avoid it entirely by not registering for overlapping classes.

### **11. Advisement**

For advice about choosing courses, you may contact Associate Dean Christine Hurt or professors who teach in your area of interest.

### **12. Final Examination Schedule**

Please consult the final examination schedule when selecting courses. If you register for courses that have exams on the same day or on sequential days, you will be required to take the exams as scheduled. Please note that the final exam schedule on the Law School's website is correct. The final exam schedule on the University's AIM system is not used by the Law School and is not correct.

### **13. General Subject Areas of Courses**

The following list categorizes the Law School's courses (other than the first-year courses and including co-curricular programs) according to general subject areas. For course information, please see the Course Descriptions on the Law School's website. Please note that some courses have prerequisites and not all of these courses are offered every year. Those courses not offered in the 2019-20 academic year are noted with an asterisk (\*).

## **Alternative Dispute Resolution**

Basic Mediation  
Fundamental Lawyering Skills  
Mediation Clinic  
Negotiation  
Negotiation and Dispute Resolution Clinic

## **Business Law**

Accounting for Lawyers\*  
Antitrust  
Business Organizations  
Bus. Org. Skills Lab  
Corp. Counsel CA  
Corporate Tax  
Internet Law-  
Transactional Skills\*  
Law & Entrep. Clinic  
Mergers & Acquisitions  
M & A Simulation Course  
Partnership Tax  
SEC Clinical Alliance  
Securities Regulation  
Securities Regulation Simulation Course\*  
Transactional Legal Drafting

## **Commercial Law**

Business Reorganizations under Bankruptcy  
Bankruptcy  
Secured Transactions  
Real Estate Finance\*  
Blockchain &  
Cryptocurrency Law

## **Constitutional Law**

Advanced Topics in Religious Autonomy

Civil Rights  
Comparative  
Constitutional Law  
Freedom of Religion  
Immigrant Rights\*  
Origins of the Constitution  
Plenary Powers  
Colloquium\*  
Supreme Court Seminar  
SC Advocacy Clinic  
The First Amendment  
The Fourteenth Amendment  
U.S. Church and State\*

## **Criminal Law & Procedure**

Criminal and Civil Rights  
Appellate Clinic  
Criminal Procedure: Adjudication  
Criminal Procedure: Investigation\*  
Criminal Prosecution & Defense CA  
Criminal Trial Practice  
White Collar Crime

## **Education**

Law & Public Education\*

## **Environmental Law**

Environmental Law  
Environmental Litigation Seminar\*  
Oil & Gas\*  
Public Lands  
Natural Resources\*  
Water Law

## **Estates and Trusts**

Basic Estate Planning  
Elder Law\*  
Wills and Estates  
Trusts

## **Family Law**

Children & the Law  
Community Lawyering  
Basic Mediation  
Mediation Clinic  
Family Law  
Family Law Clinic  
Juvenile Justice

## **Government**

Administrative Law  
Antitrust Law  
Disaster Law  
Election Law  
Federal Indian Law  
Government Practice CA  
Health Law & Policy  
Legislative CA  
State & Local Government  
Law of Armed Conflict  
National Security Law\*

## **Intellectual Property**

Copyright  
Cyberlaw  
Blockchain &  
Cryptocurrency  
Internet Law  
Transactional Skills  
Intro. to IP  
IP Moot Court  
Legal Design Lab  
Patent Drafting & Prosecution  
Patent Law  
Privacy

Technology Licensing  
Trademark Law

**International Law**

Asylum  
Comparative  
Constitutional Law  
Federal Indian Law  
Immigration Law  
Immigration Law  
Practicum  
International Human  
Rights\*  
International Taxation\*  
Jessup Moot Court  
Law of Armed Conflict  
Public International Law  
International Protection  
of Religious Freedom\*



## **Labor and Employment**

Employment Law  
Employment  
Discrimination  
Health Law & Policy

## **Law Practice**

Fundamental Lawyering Skills\*  
Legal Interviewing and Counseling  
Professional Responsibility  
Solo and Small Firm Practice\*

## **Legal History**

Comparative Constitutional Law  
Constitutional History  
Joseph Smith and Early American Law  
Ancient Laws in the Bible and Book of Mormon  
Origins of the Constitution\*

## **Legal Research and Writing**

Advanced Legal Research  
Appellate Brief Writing  
Co-Curricular: Education and Law Journal  
Co-Curricular: Journal of Public Law  
Co-Curricular: Law Review  
Co-Curricular: Moot Court  
Directed Research  
Legal Drafting

Litigating in the Court of Public Opinion\*  
Logic for Lawyers  
Transactional Legal Drafting

## **Legal Studies**

Advanced Torts Seminar  
Empirical Methods\*  
Jurisprudence  
Law & Corpus Linguistics\*  
Law & Economics  
Law & Literature  
Social Policy and Feminist Legal Thought

## **Litigation**

Appellate Brief Writing  
Appellate Practice and Procedure\*  
Civil Discovery  
Civil Trial Practice  
Co-Curricular: Moot Court  
Co-Curricular: Trial Advocacy  
Complex Litigation\*  
Conflicts of Law\*  
E-Discovery  
Evidence  
Federal Courts  
Intellectual Property  
Moot Court  
Jessup Moot Court  
Judicial Clinical Alliance

Law Firm Clinical Alliance  
Litigating and Legislating  
Religious Freedom  
Litigating in the Court of Public Opinion\*  
Public Speaking for Lawyers  
Remedies  
Supreme Court Seminar  
SC Advocacy Clinic  
Community Lawyering  
Domestic Violence Intervention  
Elder Law  
Mediation Clinic

## **Real Property**

Real Estate Development\*  
Real Estate Finance\*  
Land Use Planning

## **Taxation**

Corporate Tax  
Federal Income Taxation  
International Taxation\*  
Partnership Tax  
Tax-Exempt Orgs  
Tax Policy Colloquium