

**J-Term & Spring 2022**  
**LAW520 Course Descriptions & Additional Course Information**  
(updated 11/05/2021)

**J-Term 2022**

**LAW546F: ACCESS TO JUSTICE BY DESIGN – DEVELOPING A MORE HUMAN-CENTERED LEGAL SYSTEM**

What are innovative new ways to increase people's access to justice? This class will teach students the basics of human-centered design and justice technology, to scope new, feasible proposals to make the civil justice system work better for ordinary people. When people have a life problem -- around housing, work, family, and money – most are not able to afford a lawyer to help them resolve it. Many people don't even know that legal aid or civil courts could help them. Our class will dive into specific civil justice challenges, taking the perspective of different stakeholders, spotting opportunities for new pilots, and scoping out proposals of how to make the system work better.

**LAW546G: ACCESS TO VACCINES & GLOBAL JUSTICE**

This course examines the human right to health in the context of persistent unequal access to pharmaceutical innovations. Students will study key provisions of leading human rights and intellectual property (IP) treaties that frame the global debate on access to medicines and that influence government policies regarding public health. Using the Covid-19 pandemic as a case study, students will learn about new forms of legal protection available to the pharmaceutical industry, current controversies regarding patent waivers for vaccine patents, challenges affecting the development of drugs for rare diseases, and other considerations regarding equitable access to medicines/vaccines. Finally, students will study international political and economic considerations that inform the debate on global public health, with a focus on the role of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).

**LAW546I: MINDFULNESS AND PROFESSIONAL IDENTITY DEVELOPMENT – THE INNER WORKINGS OF JUSTICE FOR ALL**

This course offers an introduction to mindfulness-based meditation, principles of knowing and values-aligned, ethical action in the context of legal education, law practice and the challenges to justice in the 21st century. Adapted from the basic course in Mindfulness-Based Stress Reduction created by the University of Massachusetts which

has been validated as an applicable, high-value support for focusing, presence and enhanced performance in professional education and other arenas, the course offers support for establishing a meditation practice and exploring its efficacy, from a student-centered perspective, as a tool for deepening the knowledge, skills and values of effective, socially-insightful, sustainable law practice and professional wellbeing in these times.

### **LAW546J: RACE, GENDER & HEALTH JUSTICE**

The seminar will explore the intersection of race/ethnicity, sex, law, and health by discussing: 1) how race/sex has been constructed in the U.S.; 2) what is discrimination in the U.S.; 3) how discrimination has and continues to limit racial and sexual minorities' equal access to resources; and 4) how this has impacted health and caused racial and sex disparities in access to health care and health status. The following topics will be discussed during the course: racial and sex discrimination, the structural and social determinants of health, and racial and sex health disparities.

At the conclusion of the class, you will have a thorough understanding of laws and cases concerning race, sex, and health care. You will receive training in effective written and oral communication skills, project management skills, and analytical skills. You will also be taught to:

1. Analyze and think critically about the statutes, regulations, and case law relevant to racial discrimination, the social determinants of health, and racial health disparities.
2. Apply the relevant statutes, standards, principles, and rules when presented in hypothetical and unfamiliar fact patterns.
3. Prepare and present persuasive, focused and compelling oral and written communication of your issues, regardless of whether your audience is a professional or lay person; and make better oral presentations without reading verbatim from an outline, while maximizing eye contact with your listeners.

### **[Floating/Asynchronous Courses](#)**

#### **LAW520D: BEYOND GUILT CLINIC (HYBRID)**

This pilot clinic modeled after Ohio Justice and Policy Center will give students the opportunity to provide pro bono services to clients who deserve a second chance. Students in the clinic will assist clients with clemency petitions, parole hearings, compassionate release (kūpuna, domestic violence, and sexual assault survivors, and clearing criminal records through the expungement and record sealing process. Students will also learn legislative policy reform, utilizing their cases to petition the

legislature and the courts to reform sentencing, parole, and other similar laws to address the overcrowding in Hawai'i's jails and prisons. This clinic will be four credits and offered asynchronously in the Spring to accommodate interested full or part time students. There are no prerequisites required to enroll in this clinic.

### **LAW520T: 3L EXTENDED BAR REVIEW COURSE (ASYNCHRONOUS)**

This course is designed to jumpstart your bar exam preparation by developing your substantive knowledge and sharpening your critical bar exam success skills. Specifically, you will receive in-depth review of highly tested topics in Contracts, Evidence, Torts and Criminal Law. You will then put that knowledge to use working through practice MBE and essay questions. You will learn how to develop a strong but flexible framework to resolve bar exam problems, sharpen your reading comprehension, issue identification, rule mastery, critical thinking, and legal analysis skills.

*Please note:* This course is not intended to and does not replace the need for a complete commercial bar review course. To fully prepare for the bar exam, you should plan to take a complete commercial bar review course prior to the bar exam.

### **LAW552: WILLS, TRUSTS & ESTATES (ASYNCHRONOUS)**

This course teaches students knowledge of how property passes when a person dies intestate (without a will) or with a will and how to create, administer, and enforce trusts. In addition, students will receive an introduction to general estate planning principles including the other documents that constitute a complete estate plan and wealth transfer taxation.

## **[LAW 520 Courses](#)**

### **LAW520C: RECENT CHANGES IN 13TH & 14TH AMENDMENT LAW**

This course will focus mainly on United States Supreme Court decisions in recent and pending cases. At a time of possible national racial reckoning, issues of race and ancestry are among the major topics we will consider. It is through the Fourteenth Amendment, however, that most of the Bill of Rights have been made applicable to the states, we will also consider contemporary issues beyond race and ancestry.

Depending on the wishes of the seminar students, the course also include role-playing as advocates and judges in pending cases. Grading will be based primarily on class participation and on a paper of approximately 20 pages.

### **LAW520E: SELECTED TOPICS IN CRITICAL RACE THEORY**

Critical Race Theory is in the news as a target drawing attacks from certain politicians. The "critical race theory" under attack is not the same as critical race theory as it is taught in law schools. This class will review the original writings of legal scholars who

originated critical race theory. It will also explore connections to critical theory generally, to feminist theory - including intersectional feminism, and to critical legal studies. The class will also explore traditional jurisprudence and legal liberalism in comparison. While focusing on theory, we will engage contemporary on-the-ground politics and social justice movements in Hawaii and elsewhere, since critical race theory is an intellectual construct based on real-world experience. What law, what policy, what politics moves the world toward justice? How do we define justice? Students are invited to share their own experiences in relation to the readings, as we debate these questions. Readings for this class are substantial and require attention to the texts.

Limited enrollment & by Professor permission: **Interested students must submit** a one paragraph letter of application briefly introducing yourself and indicating your background and interest in critical race theory or related practices. Please email this letter to Dana Lum at [denokawa@hawaii.edu](mailto:denokawa@hawaii.edu) **on or before Tuesday, November 23, 2021 at 6 pm.**

### **LAW520F: EDUCATION LAW**

This course is an introduction to the law and policy of public education. This course addresses race and ethnicity, language acquisition, gender, and disability as it bears on educational equity; substantive and procedural due process concerns in school discipline; student free speech rights; federal authority over education; and educational reform efforts, including alternatives to traditional public education.

### **LAW520G: ADVANCED HEALTH LAW**

This variable 2-3 credit hour course offers an interdisciplinary program of study focused on current legal developments for health care providers, lawyers and researchers. It offers an opportunity for studies in and writing about legal issues in patient care, mental capacity, undue influence, end of life decision-making and human research and includes the opportunity for attendance at a hospital ethics committee and a Human Studies Institutional Review Board plus joint sessions with geriatric and psychiatry doctors and/or fellows (schedules permitting). The course is geared towards those who have had some prior experience in the health care field or to those who have taken Law, Aging and Medicine or Health Law: Bioethics courses at the law school.

### **LAW520H: INTRODUCTION TO PATENT LAW**

This course provides an introduction to patent law for those interested in pursuing a practice in intellectual property (IP), or for general practitioners and corporate attorneys who may have to deal with IP related issues. This short course provides an overview of key patent law concepts including what a patent is, how patents protect an invention and an overview of the requirements to obtain a U.S. patent. Other key concepts that will be explored include enforcement of patent rights, defenses to patent infringement and remedies for infringement. The course emphasizes statutory law and case law along with class discussion and practical exercises.

## **LAW520I: REAL PRACTICE OF CRIMINAL LAW**

This course will familiarize students with the trial practice of criminal law in both state and federal courts from A-Z. The class will cover an ambitious range of legal issues and skills training from police investigation procedures through grand jury, indictment, arrest, motions practice, trial, sentencing and appeal. Relevant constitutional issues and caselaw which have direct impact on in-court trial practice will be examined and discussed. Through in-class practice sessions by students of no more than three-four minutes on various types of court hearings, and short research and writing assignments, students will learn to quickly analyze and argue issues associated with criminal trial practice. In order to achieve these goals, students will be expected to read all course assignments as outlined below, conduct brief independent legal research, and critically analyze and discuss the assigned topics for each class when called upon. Class participation will be a focal point to foster and teach students to stand up, make an effective presentation, and think on their feet, just as you will do in any court proceeding.

The objective is to help students develop the ability to think and work like a lawyer in the real world. This means developing the ability to quickly and accurately identify legal issues, call upon appropriate legal principles, and apply these legal principles to factual scenarios as in the real life setting of a criminal courtroom. While criminal trial practice will be the central theme of this course, it is anticipated that you will learn not only to research and write succinctly and effectively, but also to make a persuasive argument in any setting, whether it be in a courtroom to a judge, to a board of directors, a state legislative committee, or a mediator or arbitrator.

## **LAW520J: HEALTH, ETHICS, LAW & POLITICS (Cross-Listed with PH673)**

This course reviews theories and laws concerning health care ethics, policy, and practice using Indigenous case studies. Topics include: Indigenous health systems, advocacy, and the intersecting issues of self-determination, ethics, agenda setting, and the policy cycle.

## **LAW520K: EDISCOVERY**

The most important part of any civil case is the discovery process. Because important evidence is now available from many sources and stored in many forms (*i.e.* social media, smartphones, the cloud), today's attorney must be competent in the identification, collection, preservation, review and production every form of electronically stored informant ("ESI"). The traditional process of document review—involving human beings reading paper—is rapidly being replace by computer programs that can identify, segregate and produce responsive docs. Understanding how ESI is stored, how to properly ask for it, collect it, preserve and produce it will most likely make the difference in any civil case: it will mean the difference between winning and losing at trial, or in summary judgment. It may mean the difference between a successful legal career or sanctions and even legal malpractice claims. The attorney who understands these issues and has a working knowledge of the programs and law related to ESI possesses

valuable, practicable and marketable skills—skills and knowledge that many “older,” more experienced attorneys (read: hiring partners) lack.

This course will: (1) survey the relevant law, theory and practice of ESI, with a focus on the recent changes to the Federal Rules of Civil Procedure and Evidence; (2) discuss the dominant computer algorithmic techniques and principles used in e-discovery (search terms, predictive coding, etc.) and the legal, ethical and technological problems associated with each; (3) teach about actual e-discovery practices from the experts in their fields (the litigation hold, forensic challenges, motions to compel, etc); and (5) provide exposure to some of the leading software programs being used for e-discovery.

### **LAW520M: CHILDREN’S RIGHTS AND THE CONSTITUTION**

The United States Constitution prioritizes adults; it always has. There is no explicit reference to young people in the Constitution, the Bill of Rights or the Fourteenth Amendment. Over the last sixty years, children have been judicially recognized as rights-bearers, however, the “adult” as the “rights-bearing default” that is deeply ingrained in the United States’ popular imagination and constitutional jurisprudence. This adult-default perspective continues to limit children’s rights in scope, substance, and theory. From young people’s rights to equal educational opportunities, a sustainable climate, and free speech-to their rights to association and protection from gun violence, this course will offer a robust engagement with whether, why, how, and when young people’s rights should matter.

### **LAW520N: SECURIZATION OF SOLAR ENERGY**

This course will first examine the science (focused on photovoltaic panels) and business of providing solar energy to retail and, to a lesser extent business, consumers. It will then provide the fundamentals of securitization as a means of finance, including, especially, the securities laws and insolvency aspects thereof. It will then synthesize all three strands of study to give the student a practical understanding of how to finance the provision of solar energy through the financial medium of securitization

### **LAW520O: ESCROW & TITLE**

Your first transaction: This course introduces you to the elements of a significant property transaction, including how to describe property and produce initial diligence materials, reading and analyzing a preliminary title report, and typical transaction documentation, including purchase and sale agreements, company resolutions, and title insurance. It synthesizes portions of the business entities, real property, contracts, and secured transactions courses.

Recommended: Real Property II.

## **LAW520P: THE PUBLIC TRUST UNDER THE HAWAI'I CONSTITUTION**

Much of Hawai'i's uniqueness results from its natural and cultural resources. To assure their preservation, the Hawai'i Constitution provides that all public natural resources are held in trust by the State for the benefit of Hawai'i's people and the generations to come. The constitution also specifies that the "ceded" lands returned to Hawai'i upon its admission to the Union are held by the State in trust for the benefit of Native Hawaiians and the general public. This course explores the legal framework for Hawai'i's public trust doctrine, including the court decisions that have established vital fiduciary duties of the State to protect and conserve natural resources however they are utilized. Analysis of these decisions additionally considers the parties' litigation and case presentation strategies.

## **LAW520Q: ADVANCED LEGAL ANALYSIS**

Advanced Legal Analysis is designed to help students enhance their legal writing and analysis skills as law students, bar examinees, and legal professionals. Using Multistate Performance Tests from the bar exam, students will draft, revise, and receive feedback on several simulated legal tasks. In addition, students will relearn and reinforce key topics in Contracts and Torts. The course employs a flipped classroom model for substantive law instruction; students will view recorded lectures to prepare for regular Multistate Bar Exam (multiple choice) quizzes. Finally, the course will inculcate successful learning strategies for academic success and teach students to apply the concepts of metacognition, self-assessment, spaced repetition, and retrieval practice to enhance their learning in law school and during bar preparation. Students will create a portfolio documenting their own learning and development in the course.

## **LAW520S: SECURED TRANSACTIONS TOOL KIT**

The Bar Exam Toolkit – Secured Transactions, Mortgages, and Titles – will help students prepare for bar preparation through explicit instruction in secured transactions and real property as tested on the bar and through practical exercises where students will learn how to write MEE essays, answer MBE questions, and be better self-regulated learners during bar study.

Students will leave the course with an understanding of the black-letter law necessary to pass Secured Transactions MEE essays, Real Property Mortgages and Titles MEE essays, and Real Property Mortgages and Titles MBE multiple-choice questions.

The course will also provide students with an introduction to the content, test strategies, study skills, and learning tools necessary to succeed on the MEE and MBE. In the course, students will complete and review MEE essays and MBE multiple-choice questions. The course will inculcate successful learning strategies for bar exam preparation and teach students to apply the concepts of metacognition, spaced repetition, and retrieval practice to effectively use written feedback and model answers to improve MEE and MBE scores, customize their use of bar vendor resources,

maximize material retention over time, and enhance their learning in the course, in law school, and during bar preparation.

### **LAW520V: FOUNDATIONS OF EMPLOYMENT & LABOR LAW**

What do new attorneys need to know as they enter the legal profession to give them a foundation to understand and address employment and labor law issues they will face in whatever field of practice they enter? This course will provide a framework for statutory and common law governing the employment relationship. We will cover the concept of “employment-at-will”; laws governing discrimination in employment, such as 42 U.S.C. Sec. 1981, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act; collective bargaining and the National Labor Relations Act; wage and hour laws; arbitration and confidentiality; and the overlap or divergence between federal and state law. This course will include relevant practice considerations in the employment and labor law arenas, providing students with “real world” skills.

### **LAW520W: LAW OF ARMED CONFLICT**

This class is an introduction to the international Laws of Armed Conflict (LOAC). It aims to accomplish two goals: introducing students to this body of law and enabling them to critically analyze the legal challenges of current and future armed conflicts. The class will explore the history and development of LOAC, delve into the debates on the technical rules and practical applications, and promote a greater understanding of this defining feature of war.

### **[Additional Course Information for Other Courses](#)**

### **LAW532: HEALTH LAW: BIOETHICS**

This variable 2-3 credit course will provide a foundation for the study of bioethics, healthcare and the law in an inter-disciplinary manner. The course is open to law students plus Doctor of Nurse Practice (DNP) students. Some MSW and MPH students will also be permitted to attend depending on space availability. The term “bioethics” is used generally to describe ethical issues in the life sciences, and in particular biomedicine and biomedical research, and can be expanded to include other concerns such as human rights law. The professional fields that deal with bioethical issues in this expanded sense include medicine, nursing, sociology, philosophy, theology and law (including to some extent, international law).



## **LAW590B: PROSECUTION CLINIC**

### **Co-requisite: Evidence (LAW 543)**

This class teaches litigation skills through the prosecution of real, minor criminal cases and the simulation of a major civil trial. After about three weeks of classroom discussions and simulations, students prosecute real traffic and misdemeanor cases for the Prosecuting Attorney's Office. The classroom component meets throughout the semester and is designed to meet the needs of students interested in both civil and criminal litigation. Courtroom work is supervised by Assistant Prosecuting Attorneys. Simulated cases are critiqued by the faculty and practicing lawyers. The course can be taken as a 2, 3 or 4 credit class. The 2 and 3-credit options have fewer court appearances and class meetings and do not include the mock civil trial which uses expert witnesses.

## **LAW590J: FAMILY LAW CLINIC**

Prerequisite: Family Law (LAW568) – *either* prior to or concurrent with this course

Recommended prerequisites: completion of Evidence (LAW543), Trial Practice (LAW563), and/or other client-centered clinical experience

This clinic teaches the practical aspects and issues encountered in the practice of family law. Students will apply what is learned by providing direct legal services to family law clients at the Legal Aid Society of Hawai'i.

## **LWEV527C: ENVIRONMENTAL TRIAL PRACTICE**

Prerequisite: completed Evidence (LAW543)

### **This class is limited to 8 students**

This class will teach you the skills you need to try an environmental case in front of a judge (not a jury), pursue injunctive relief, or participate in a contested case hearing. It will teach you how to draft findings of fact, conduct cross examination, apply the rules of evidence, and use documents in a trial. You will learn by doing -- and re-doing. You will also discover whether you really want to litigate.

You should not take this class if you: hate environmental law; despise speaking in public, or thinking on your feet, or shudder at the thought of objecting.