

LAW 520 Course Descriptions and Addtl Course Info for Other Courses  
(updated 12/18/2020)

**Asynchronous Floating Courses**

**LAW 520R: Health Law Fundamentals**

An introduction to the regulation of the American health care system and the physician/patient relationship. Healthcare is one of the most regulated industries in the United States and currently accounts for approximately 18 percent of the U.S. gross domestic product. In addition, the industry is going through a tremendous restructuring in how health care is organized, delivered, and paid for, in part as a result of the Affordable Care Act (more commonly referred to as “Obamacare”) and in part due to market forces and technological developments. This course provides students with an understanding of the laws governing the physician-patient relationship and how the healthcare system is currently organized, financed, and regulated. If you have questions about the course, please contact support@lawstudentonline.com.

**LAW 520S: Accounting for Lawyers**

Teaches accounting concepts and skills that lawyers, working in many fields, will need. Accounting is the language of business. If a lawyer’s practice touches business, then he or she will come across accounting concepts. If you have questions about the course, please contact support@lawstudentonline.com.

**LAW 520T: 3L Extended Bar Review Course**

The 3L Extended Bar Review course is designed to jumpstart your bar exam preparation. Through interactive learning modules, you will develop your substantive knowledge of highly tested topics in Contracts, Evidence, Torts, and Real Property. You will then put that knowledge to use as you build strong Systematic Problem-Solving skills working practice MBE, essay and MPT questions. The central theme of the course is to develop a strong but flexible framework to resolve bar exam problems and sharpen your reading comprehension, issue identification, rule mastery and legal analysis skills. Open to students who plan to sit for the July bar examination. If you have questions about the course, please contact support@lawstudentonline.com.

## **LAW 520 Courses**

### **LAW 520B: State & Local Tax Law**

The course provides students a foundation of state and local taxation systems, including: (i) the constitutional foundations of state and local taxation, including jurisdiction to tax, federal regulation of interstate and foreign commerce, federal and state constitutional requirements of equality and uniformity, and federal immunity from state taxation; (ii) the construction and application of state and local laws with respect to personal and corporate income tax, sales and use tax, and property tax; and (iii) an overview of state tax procedure. Students will develop an understanding of the framework of state and local taxation and how it fits within the overall federal taxation system, including the sources of inter-jurisdictional conflicts among states and the means, such as interstate compacts, used to resolve those conflicts.

### **LAW 520K: Topics in Native Hawaiian Law: 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.

### **LAW520O: THE CURRENT SUPREME COURT IN FLUX**

The current Term of the U.S. Supreme Court' almost surely will be consequential. Not only is there a new Justice, Amy Coney Barrett, but the Court's docket already contains major issues that range from relatively well-known disputes about the constitutionality of the Affordable Care Act and the reach of the Free Exercise Clause to additional important questions about separation of powers (e.g., Executive authority to transfer funds to build a border wall); federalism; and varied individual rights (e.g., juvenile rights, freedom of association, immigration). Students will choose issues that are of most interest to them. The course will include short writing assignments and it may also feature some limited role-playing.

## **LAW 520Q: BAR TOOLKIT**

The Bar Exam Toolkit is a course designed to help students acquire the knowledge, skills, and habits that lead to success on the bar exam, specifically on the Multistate Bar Exam (MBE) (the multiple-choice portion of the bar exam). The course will provide students with an introduction to the content, test strategies, and study skills necessary to succeed on the MBE. In the course, students will complete and review hundreds of MBE questions. In the process, students will relearn and reinforce key substantive topics in Civil Procedure and Real Property while also practicing MBE specific test-taking skills. In addition, 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 enhance their learning in the course, in law school, and during bar preparation.

## **ADDITIONAL COURSE INFORMATION FOR OTHER COURSES**

### **LAW 501: Organizing for Social Change (Matsuda)**

In this class, students learn by doing: we study the history of and ideas about justice and social change, while students work to make change. There is no exam. The project is the basis of evaluation. Enrollment preference is given to students who have an identified organizing goal and an existing organization to work with. It is difficult, but not impossible, to organize others from scratch in one semester. In the past, successful projects have worked with existing organizations to meet some goal. For example, students worked with environmental organizations to implement the plastic bag ban, worked with community groups to keep jet skis out of fishing areas, and worked in schools to help students make demands for improvements in their educational environment. Students have also organized within the law school to achieve goals (establishing the immigration law clinic!) that they thought would improve legal education at WSRSL. There are many campus/student organizations, non-profits, and advocacy groups who would love to work with you.

If you would like to enroll in Organizing, please send a short paragraph identifying an organization/on-going change effort you plan to work with, and why this issue matters to you. **Please email your paragraph to [lawreg@hawaii.edu](mailto:lawreg@hawaii.edu) and title your email to the Law Registrar's Office as "Organizing for Social Change Request for Enrollment" by Tuesday, November 10.**

**After the 10th, Prof. Matsuda will review the submissions and notify the Law Registrar's Office of the students who can enroll in the class in the first week of the registration period.**

Note: Normally, the best organizing is done “face to face.” Given the current pandemic, there is absolutely no requirement that any of the work for this course happen in person. We will study tactics of digital and no-contact organizing.

Keep your request for enrollment simple. Here is a suggested template:

1. What: The goal
2. Who: The organization/constituency
3. Why: This matters to me because... (Optional: feel free to add a bit about who you are, if that is useful in explaining why you want to take this course)

### **LAW 590B: Prosecution Clinic**

Typical Course Credit: 1-3

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 does not include the mock civil trial which uses expert witnesses. Co-requisite: Evidence (LAW 543).

PREREQUISITES REQUIRED: [LAW 543 - Evidence](#)

### **LAW 590K: Entrepreneurship & Small Business Clinic**

For the Spring Term, the Entrepreneurship and Small Business Clinic will be making some exciting changes. It will be open to ALL students, including those who have already taken the Clinic, but registration will be subject to the instructor's approval. The topics covered will be different from the Fall . . . we will cover Mergers and Acquisitions, Licensing Agreements, Strategic Partnerships, Fundraising and Securities Laws, Tax Law, Hiring and Employment Law, Intellectual Property, and other subjects, as they relate to startups, high growth companies, and small businesses.

The client work will be similar to the Fall term, i.e. business formations, contract preparation and review, trademark registrations, etc., which will entail on-the-job training.

If you are interested, please send me (grkim@hawaii.edu) a one paragraph statement of interest by Friday, November 13.

Students who are admitted will be informed before registration begins, and given an override to register for the class.

### **LWEV527C: Environmental Trial Practice**

**Tuesday 7:50-9:00 p.m.; Thursday 7:25-8:45 p.m. via zoom**

**TRIAL: Saturday, May 1, 2020 8:30 a.m. - 4:30 p.m.**

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.

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

**Evidence is a prerequisite.**

### **LWPA 586: Law and Society in China**

From the extraterritorial effects of criminal law in the Pacific Islands to the on-going U.S.-China trade war to Chinese-inspired “data sovereignty,” Chinese law has increasing impact throughout the world. This course will provide a broad introduction to Chinese law and its operation in Chinese society. The People’s Republic of China (PRC) has, since 1978, embarked on an historic effort to build a modern legal system. The reasons for this are many: resolving social conflicts, creating a stable and transparent environment for contract enforcement, attracting foreign direct investment, joining the international law community, and regime legitimacy to name a few. This is no easy task, however, given China’s significant income gap, ethnic and regional disparities, traditions that have preferred informal norms over formal law, and a single-party state that continues to hold itself above the law. Nonetheless, the PRC has built legal institutions (e.g., courts and legislatures), professionalized lawyers through legal education and training, and begun a process of “legal popularization” to teach citizens their rights. Legal modernization has touched all areas of law including criminal law, civil law, and China’s approach to international law (e.g., the WTO, the “Belt &

Road Initiative,” human rights, etc.) Law matters to not just urban Chinese and foreign investors but also to those who are marginalized by China’s economic reforms.

This course will introduce candidates to China’s legal modernization program by placing it in China’s historical, political, and cultural context. We will examine progress and points of tension in the PRC’s construction of a “rule of law,” and assess the role of non-state actors in shaping the future of law in China. In short, law provides a prism through which to understand some of the opposing incentives that give shape to modern China.

### **J-Term Courses**

#### **LAW 546D: Trial Practice Academy: Witness Examinations**

(Wes Porter, Magistrate Judge, United States District Court, District of Hawaii)

This course is specifically designed with the following objectives:

- Students will learn how to analyze a case file and the fact pattern.
- Students will learn how to interview and prepare potential trial witness.
- Students will learn and exercise evidentiary objections, responses, and arguments during motions in limine and at sidebar during trial.
- Students will learn to conduct effective and interesting direct examinations, including the evidentiary foundations for different forms of evidence.
- Students will learn to conduct effective cross examinations including use of key modes of impeachment.
- Students will present persuasive opening statements and closing arguments.

Instructor permission is required. **Evidence is a prerequisite.** Students can email Judge Porter at [Wes\\_Porter@hid.uscourts.gov](mailto:Wes_Porter@hid.uscourts.gov).

### **LAW 546E: The Protection of Indigenous Peoples' Knowledge**

(Ruth L. Okediji, Jeremiah Smith Jr. Professor of Law, Co-Director, Berkman Klein Center for Internet & Society, Boas HLS Professor, Harvard Law School)

Unauthorized access to and exploitation of Indigenous Peoples' knowledge (also known as "Traditional Knowledge") raises significant legal, moral, and ethical questions for international human rights law and intellectual property (IP) law. None of the leading multilateral IP treaties address the protection of Indigenous Peoples' knowledge, and efforts to negotiate a multilateral treaty for Traditional Knowledge have thus far been unsuccessful. Nonetheless, the application of IP to Traditional Knowledge - offensively and defensively - is a practice with significant implications for IP, and more so in view of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Using national case studies, this course will explore legal regimes for the regulation of Traditional Knowledge and Traditional Cultural Expressions, including prospects for private law tools to address harms and offer remedies. The course will also explore recent legislative and global policy developments directed to the protection of Indigenous Peoples' culture and other intangible assets.

### **LAW 546F: Tax and Social Justice: The Tax Treatment of Vulnerable Taxpayers**

(Francine J. Lipman, William S. Boyd Professor of Law, University of Nevada, Las Vegas)

While the primary goal of our federal income tax system is to raise revenue to support our federal government, it also includes explicit and implicit incentives and disincentives that privilege or undermine certain categories of taxpayers. In addition, our tax systems increasingly deliver significant and varied social benefits that include, without limitation, subsidies for higher education, alternative energy, healthcare coverage, and work for lower-income families with children. This one-week seminar will explore five different broad categories of taxpayer groups including three that will be selected by the law students who elect to participate in this seminar.

The one-week course will launch with the taxpayer categories presented during our first two sessions together. The first category will include working lower income families who receive meaningful earnings subsidies that in 2018 lifted almost 11 million people above the poverty line and made 17.5 million more people less poor. Almost 12 million children are included in these figures, including 5.5 million of whom escaped poverty and 6.4 million of whom were made less poor. In the next class session, we will review how our tax systems impose a higher effective tax rate on unauthorized workers and their families as compared to similarly situated U.S. citizens and green card holders. Specifically, we will focus on how these benefits and taxes work and how they don't work.

Students will be required to read specific law review essays and articles written by Professor Lipman that can be downloaded (for free) from her SSRN link here [https://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=334178](https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=334178) You may want to review some of these articles as you consider whether to elect to take this course. Before the first session enrolled law students will select the next four categories of vulnerable taxpayers to cover from the following topics: communities of color, members of the armed services, people with disabilities, senior citizens, victims of a disaster, and planet earth. While having taken the basic tax course would be very helpful, it is not a required prerequisite, but if you haven't taken the basic tax course, I hope you will take it after our week together.

**LAW 546G: Business and Human Rights: Corporate Responsibility, Sustainability, and Policy**

(Erika George, Samuel D. Thurman Professor of Law, College of Law, The University of Utah)

Human rights are not a central concern of corporate law. Corporate actors are not a central concern of international law. This course brings business and human rights together to examine existing and emerging strategies to close a global governance gap that leaves human rights at risk and places commercial actors at risk of contributing to human rights violations. This course explores and explains how social pressure from activists and investors influence corporate conduct with respect to human rights claims and inform recent global policy standards for business enterprises. It will contextualize the limitations of international law for regulating the conduct of non-state actors and the limitations of corporate legal theory for defining the role of a corporation in globalized economy. It will offer an overview of the evolution of international efforts to address abuses and to align commerce with universal principles on human rights principles and introduce recent global policy initiatives on business and human rights. It will present the potential for advancing business respect for human rights through stakeholder engagement initiatives, shareholder advocacy, and corporate sustainability reporting. At the conclusion of this course, participants will be able to identify human rights risks that are connected to business enterprises, to differentiate between the respective responsibilities of states and corporations to ensure that human rights are protected and respected, and to assess various advocacy efforts to advance corporate accountability.



## **LAW 546I: Legal Engineering for the Biosphere: Climate Policy, Extitutions and Data Governance**

(Tony Lai, Entrepreneurial Fellow, Stanford Center for Legal Informatics (CodeX) and co-founder of Legal.io)

Legal engineering is the use of legal and scientific principles to design and develop systems, structures and patterns for social, political, and economic ordering dynamics (laws, markets, norms, and architectures). It applies the theoretical frameworks and approaches of computational law towards the development of systems, such as blockchains and distributed ledger technologies, which offer the capacity to embed rules and other legal mechanisms. This course will offer an overview of this evolving academic and practical field in the context of current ongoing developments in systems for collective sensemaking, action, and feedback loops to protect the planet and our bio-regional, ecological health; systems that can coordinate at a global and local level, and every level in-between.

Course participants will be invited, through the course with written assignments, and beyond the course through participation in active, ongoing projects, to engage with and contribute to legal engineering's future role in providing safe and inclusive contexts for both individual wellness and flourishing, and for solving some of our greatest collective and global challenges.

## **LAW 546J: Criminal Justice Transformation - Through 'The Wire'**

(Roger A. Fairfax, Jr., Patricia Robert Harris Research Professor of Law, Founding Director, Criminal Law and Policy Initiative, The George Washington University School of Law)

This course will consider the merits of, and prospects for, criminal justice transformation in the United States. Class discussions will interrogate, legal, social, moral, and political perspectives on the modern criminal legal system and will explore such issues as The War on Drugs, policing and democracy, the school-to-prison pipeline, progressive prosecutors, mass incarceration, reform and abolition efforts, and racial justice movements. The course content will be framed by selected readings and episodes of David Simon's critically-acclaimed HBO series *The Wire*.