INFORMATIONAL REVIEW

SCHOOL OF LAW
NEW COURSES
Texas A&M University
Departmental Request for a New Course
Undergraduate • Graduate • Professional
- Submit original form and attach a course syllabus.

Form Instructions
1. Course request type: □ Undergraduate □ Graduate □ First Professional (DMD, MD, JD, PharmD, DPA)
2. Request submitted by (Department or Program Name): Select or Type Department/Program Name School of Law
   LAW- 7304 Due Diligence for the Professional
3. Course prefix, number and complete title of course:

4. Catalog course description (not to exceed 50 words):
   Practical skills in performing due diligence in business and financial transactions; analyze documents such as financial statements to uncover red flags for fraud; receive a certification from the International Organization of Due Diligence.

5. Prerequisite(s):
   One year of law school in the full-time or part time program

6. Cross-listed with:
   Cross-listed courses require the signature of both department heads.

7. Is this a variable credit course? □ Yes □ No
   If yes, from _______ to _______

8. Is this a repeatable course? □ Yes □ No
   If yes, this course may be taken ________ times.

9. Will this course be repeated within the same semester? □ Yes □ No

10. Will this course be submitted to the Core Curriculum Council?
    □ Yes □ No

11. How will this course be graded?
    □ Grade □ S/U □ P/F (CLMD)

12. This course will be:
    a. required for students enrolled in the following degree programs(s) (e.g., B.A. in history)
    J.D. School of Law
    b. an elective for students enrolled in the following degree program(s) (e.g., M.S., Ph.D. in geography)

13. Prefix □ Course # □ Title (excluding punctuation)
    LAW 7304 Due Diligence for Prof

   Lect. Lab Other SCH LHP and Fund Code Admin Unit Acad Year FICE Code
   1.00 00 00 1 220101008 1710 16 - 17 0 0 3 6 3 2

   Approval recommended by:
   Maxine M. Harrington
   Department Head or Program Chair (Type Name & Sign) Date

   Wayne Barnes
   Chair, College Review Committee Date

   Andrew P. Morris
   Dean of College Date

   Department Head or Program Chair (Type Name & Sign) (if cross-listed course) Date

   Submitted to Coordinating Board by:
   Chair, GC or UCC Date

   Effective Date

Questions regarding this form should be directed to Sandra Williams at 845-8201 or sandra.williams@tamu.edu.
Curricular Services – 07/14
Law 7304 Special Topics: Due Diligence for the Professional Winter 20xx

Professor: Dean Andrew
Morriss amorriss@tamu.edu
Office: Dean’s Suite
Office hours by
appointment
Cell: 216-272-
9187

Guest instructor: L. Burke Files
Financial Examinations &
Evaluations, Inc. POB 27346
• Tempe, Arizona 85285
T (480) 422-6100 • F (480) 237-5953
Email: lbf@feeinc.com

Course description: This course teaches practical skills in performing due diligence in business and financial transactions.

Goals: Students will learn how to analyze documents like financial statements to uncover red flags for fraud. from the International Organization of Due Diligence.

Prerequisites: One year of law school in the full or part time programs.


Evaluation and Grading policies: This is a P/F course.
Students will be graded on class participation and performance on group projects.

Class Participation: this class depends on active participation by the students in discussion and case study development. If you do not participate, the professor reserves the right to penalize a student’s course grade.

Attendance: Due to the collaborative and condensed nature of this class, class attendance for all sessions is mandatory. Any class absence for any reason will result in administrative withdrawal from the class. You are required to adhere to the attendance policy as outlined in Texas A&M University School of Law Student Handbook.
Law School Disability Policy
The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Assistant Dean of Students, Rosalind Jeffers. Due to the law school’s policy of testing anonymity, students should not discuss their disabilities with professors. For assistance, students should consult with Dean Jeffers. For additional information visit http://law.tamu.edu/current-students/student-affairs/exam-accommodation.

Academic Integrity Statement and Policy
"An Aggie does not lie, cheat or steal, or tolerate those who do."

Matters of academic dishonesty by law students are governed by the Honor System Rules. All students are bound by the Texas A&M University Honor System Rules and Procedures. Law students are also bound by additional rules of the Law School in the Student Handbook. Students are responsible for knowing the Honor Code and Honor System Rules, complying with their requirements, and reporting known violations. Texas A&M University also has a Student Conduct Code regarding nonacademic misconduct that applies to law students.

Course meets:

Thursday, January 8: 9:30-3:30  
Friday, January 9: 9:30-3:30  
Saturday, January 10: 9:00-1:00

Room: 106

Objective: To develop an understanding of how to evaluate asset purchases and other transactions for signs of fraud and other misconduct. To understand the context and measures to combat corruption.

Upon completion of this course, students will not only understand the types of investigations needed to vet asset purchases but also the larger context in which anti-corruption efforts take place. Those who complete the course will receive a certificate from the International Due Diligence Association.
Schedule
Day One 9:30 am

Introduction
Define Due Diligence – clearly
Address due diligence as a process not a thing or event
Legal requirements for due diligence
The immediate value of this knowledge

Section One – Philosophy

Choice Making
How we make choices
Why we make those choices
Why some make serial wrong choices
Ignoring the feedback
Heuristics and Biases

Economics of Virtue
Asking the right question
When the questions must be asked and answered
Addressing social graces
Lies, white gray and black
Aligning incentives
Importance of “Skin-In-The Game”

Reality of It All
Incentive to lie, cheat, steal, make and offering bribes
Conflicts – internal and external
The weight of dishonesty
Focusing energy toward productivity and good choice making
A graphic look at getting it wrong

Section Two – The Standard of Care

Everyone does it so why do I care?
The industry leaders are the leaders for a reason
Due diligence and risk management
Headlines of why it matters
How Enron, Rite-Aid and WorldCom could have been prevented

We must care?
Competitive reasons
Survival reasons
Litigation, regulatory fine and jail
How to care
Check lists, CRM, Internal Audits, -- sure, but that is not all
Feed forward control
Feedback controls
Barney Fyfe is correct
Many skill sets needed
Government, private enterprise, charitable all have approaches
Money, time, choice, reputation are scarce resources.
The tip line you can’t control

Lunch Day One 12:00 noon to 1:00 pm

Section 3 – Where Due Diligence Can Thrive or Wither

The Environment for Due Diligence Professionals
Islands v Archipelago
Make Wrong and NIH
Curious George and the Man with the Yellow hat are good role models
Leave the desk behind

Section 4, Due Diligence Assessments

Into And Out Of The Box
It is a process – Defining the box
Arrival to the box
Functions inside the box
Departure from the box
Looking for risks, supplier process, place, transit, customer...

Some Check Lists, No, no, no. -- thought lists
Detailed Background Questionnaire
Detailed Company Questionnaire
Detailed Property Questionnaire
Objective and Subjective Factors

Case Studies With Check Lists
Real Estate Acquisition
Brush and Squire Car Wash
Acquisition of a Technology Company
Acquisition of a Research Company
Section 5 – Tool Kits

Where to find information
Reviewing Online Free Resources
Reviewing Paid Resources
Assessing information’s limits and inaccuracies
Calling and interviewing people
Little thought of indicators
Tests for employees
Leaving the desk behind

End of Day One 3:30 pm

Instructor(s) are to make themselves available to be peppered with questions for any reasons until 9:00 pm – in person, by phone by email

Day Two 9:30-3:30

Section 6 – Case Studies

Case studies will be handed out to the participants. The participants will work to develop an approach the case as well as what resources they might need to get answers to the questions they have asked.

Session 7 – Analysis of Case Studies in small groups

Session 8 – Presentation of Case Studies

Presentation
The case studies worked overnight will be shared by students with instructors and class.

Session 9 – Analysis

Using Numbers
Ratios – traditional and non-traditional
Other places to find numbers
Creating numbers to analyze
Limitations of numbers and common oversights
Some Algorithms to play with

Day Two Lunch – 12:00 - 1:00 pm
Session 9 – Internal Measures

Look in and Out
Internal positions that are natural ally’s
Data collectors in a business
Data silos
Ways to approach to gather information from territories
Address our numbness to the familiar and stale information

Session 10 – Due Diligence in an Acquisition

Mergers and Acquisitions
Same old Stuff
New Stuff often overlooked
What is a must, Key Employees and Gold Collar Workers
Intangible Assets and OPSEC
Regulators
Management Culture and how to assess
Archipelago not Islands – you are a team

Day 3 – 9:00 to 1:00 p.m.

Session 11 – Quick Case Study Questions, How do we get the answer?

Cab Company
Uzbekistan Bank
The Big Cotton Investor
The New Plastics Company – Post Acquisition Due Diligence
Finger Print Company

Session 12 – Due Diligence Fails

Due Diligence Failures
We learn mostly from failures – why this is a fact/.
Notable Failures and the errors made
Destructive testing in your organization

Session 13 – The Report

Writing and submitting the due diligence report
The report is fact based – period.
Citation of sources – all.
Language

Concluding remarks and certificates handed out.

End 1:00 pm
Texas A&M University
Departmental Request for a New Course
Undergraduate • Graduate • Professional
Submit original form and attach a course syllabus.

1. Course request type:
   - Undergraduate
   - Graduate
   - First Professional (DDS, MD, JD, PharmD, DVM)

2. Request submitted by (Department or Program Name):
   Select or Type Department/Program Name: School of Law
   LAW-7402 Pre-Suit Patent Litigation

3. Course prefix, number and complete title of course:
   Cross-listed courses require the signature of both department heads.

4. Catalog course description (not to exceed 50 words):
   Exploration of issues patent litigators should consider prior to filing a complaint for patent infringement; includes (1) the market for patent enforcement; (2) substantive assessment of cases; (3) valuation of cases and economics of patent litigation; (4) best practices for patent case assessment and pre-litigation ethical considerations; and (5) complaint drafting.

5. Prerequisite(s):
   Cross-listed with: One year of law school in the full-time or part time program: LAW 7452, LAW 7131, or LAW 7350
   Stacked with:

6. Is this a variable credit course? Yes No
   If yes, from 1 to 2

7. Is this a repeatable course? Yes No
   If yes, this course may be taken times.

8. Will this course be repeated within the same semester? Yes No

9. How will this course be submitted to the Core Curriculum Council? Yes No
   P/F (CLMD)

10. This course will be:
    a. required for students enrolled in the following degree program(s) (e.g., B.A. in History)
    b. an elective for students enrolled in the following degree program(s) (e.g., M.S., Ph.D. in geography)
       J.D. School of Law

11. If other departments are teaching or are responsible for related subject matter, the course must be coordinated with these departments. Attach approval letters.

12. I verify that I have reviewed the FAQ for Export Control Basics for Distance Education (http://vpr.tamu.edu/resources/export-controls/export-controls-basics-for-distance-education).

13. Prefix Course # Title (excluding punctuation)

   LAW 7402 Pre-Suit Patent Lit

   Lect. Lab Other SCH CIP and Fund Code Admin. Unit Acad. Year FICF Code
   1.00 0.00 0.00 1 2201010008 1710 16 17 0 0 3 6 3 2

   Approval recommended by:
   Maxine M. Harrington
   Department Head or Program Chair (Type Name & Sign)
   Date: Sept 30, 2015

   Wayne Barnes
   Chair, College Review Committee
   Date: 10/5

   Andrew P. Morris
   Dean of College
   Date: Sept. 29, 2015

   Department Head or Program Chair (Type Name & Sign)
   (if cross-listed course)

   Submitted to Coordinating Board by:
   Chair, GC or UCC
   Date

   Effective Date

Questions regarding this form should be directed to Sandra Williams at 845-8201 or sandra.williams@tamu.edu.
Curricular Services – 07/14
Texas A&M  
School of Law  
LAW 7402  
Professors Clifford Henson & Donald Puckett  
Winter 201X  
Pre-Suit Patent Litigation

**Introduction:** Patent litigation is one of the “hottest” areas of legal practice right now. Patent law is in the midst of a rapid sea change on every front, and there is a heavy supply of this legal work. Patent enforcement strategy has recently moved to the forefront of business decision making – but will it remain there? Patent enforcement strategy involves intricate issues of science, economics, and public policy against the backdrop of a rapidly shifting legal environment.

**Course Description:** This one credit-hour course explores issues patent litigators should and must consider prior to filing a complaint for patent infringement. Covered topics include: (1) the market for patent enforcement; (2) substantive assessment of cases; (3) valuation of cases and economics of patent litigation; (4) best practices for patent case assessment and pre-litigation ethical considerations; and (5) complaint drafting.

**Prerequisite:** This is an advanced patent litigation class. Patent Law (LAW-7542), Patent Litigation (LAW-7131) or Intellectual Property (LAW-7350) is a prerequisite. On substantive patent law issues, we will focus our attention on the most recent case developments and trends. It will be assumed that students have a familiarity with settled principles of patent law.

**Course goals:** By the end of the course, you should be able to develop and assess a patent enforcement litigation plan. You should also be able to draft a litigation plan memo and a complaint for patent infringement.

**READINGS**

A course packet will be available to download on or about December 22, 2014. You will be able to access the course packet through the course website on Blackboard. If the reading materials are supplemented, you will be notified by email and/or in class.

While the reading list, at first glance, may appear daunting, please note that much of the assigned reading consists of very short (1-2 page) articles. Many of the longer articles and cases have been excerpted for you in the course packet to focus your reading. Also, the reading is a bit front-loaded toward the first two classes.
GRADING

This course follows the grading scale and grading policies outlined in Academic Standards 8.1-8.54, which may be found in the Student Handbook.

Your course grade primarily will be based on a take-home writing project that will consist of 10-20 pages of original writing (plus assembled attachments from research). The written exam will be distributed following class on Tuesday. It will require you to develop and assess a patent litigation plan according to a provided form, with points awarded for each section as designated.

Your completed exam must be submitted electronically by 2:00pm on Saturday, January 10, 2015. Late submissions will be penalized absent a compelling excuse.

The professors reserve the right to adjust grades slightly upwards or downwards based on class participation (or lack of participation) in exceptional cases.

CLASS MEETINGS

The class will meet in Room 104. We will meet from 9:30-15:00 Monday and Tuesday, 9:30-12:30 on Wednesday, and 10:00-12:00 on Saturday. Monday and Tuesday will be broken into two sessions, with time for lunch in between, and there will be a short break during each class session. The length of Saturday’s class may vary to comply with ABA-imposed time requirements. Instructors will be available for meetings after class, by email, and by appointment (scheduled via email). Professor email addresses:

Prof. Puckett: donald.puckett@skiermontpuckett.com

Prof. Henson: chad.henson@skiermontpuckett.com

CLASS PREPARATION & ATTENDANCE

The ABA requires regular and punctual class attendance. You are required to adhere to the attendance policy as outlined in Texas A&M University School of Law Student Handbook. You are expected to be prepared to discuss the assigned material and your reflections thereon in class.

ACADEMIC INTEGRITY & PROFESSIONALISM

"An Aggie does not lie, cheat or steal, or tolerate those who do."

You are expected to know, understand, and follow the Texas A&M University Honor System Rules and Procedures and the law school’s honor systems rules in the Student Handbook.

Beyond that, you are expected to be a professional. The defining feature of a professional is that the professional exercises independent, reasoned judgment in the pursuit of excellence in his or her field of endeavor.
DISABILITY POLICY

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Assistant Dean of Students, Rosalind Jeffers. Due to the law school’s policy of testing anonymity, students should not discuss their disabilities with professors. For assistance, students should consult with Dean Jeffers. For additional information visit http://law.tamu.edu/current-students/student-affairs/exam-accommodation
DAILY COURSE SCHEDULE

Class 1 (Monday, January 5, 2015, 9:30 - 12:00)

Patent Owners and the USPTO
- Dennis Crouch, USPTO Breaks New Ground with 300,000 Patents Issues this Fiscal Year, Patently-O Blog (September 30, 2014).
- Dennis Crouch, The Number of U.S. Patents In Force, Patently-O Blog (October 23, 2014).
- Dennis Crouch, Micro Entity Early Stats, Patently-O Blog (February 13, 2014).
- **Browse Only:** Patenting By Organization, USPTO (2013).
- Dennis Crouch, AIA Shifts USPTO Focus from Inventors to Patent Owners, Patently-O Blog (August 14, 2012).
- Dennis Crouch, Applicant Assignees, Patently-O Blog (May 20, 2014).

Patent Litigation Trends and Statistics
- AIA Progress, USPTO.
- USPTO, IPR Petitions Terminated to Date.
- Driscoll and McNamara, Inter Parties Review Initial Filings of Paramount Importance: What is Clear After Two Years of Inter Parties Review under the America Invents Act (AIA), National Law Journal (October 21, 2014).

Patent Quality and Patent Policy
Optional


Patent Strategy – The Economics of Patent Ownership


Optional


Law Firm Economics in Patent Cases


Class 2: (Monday, January 5, 2015, 1:00 – 3:00)

Substantive Analysis of Patents – Case Assessment


Process for analyzing patent cases

- No reading.

Research resources

- No reading.

Patent Owner Burden Issues

- Ownership / Standing / Joinder

Optional

- Stanfield v. Roche, 131 S.Ct. 2188 (2011).
Class 3: (Tuesday, January 6, 2015, 9:30 – 12:00)

Patent Owner Burden Issues (Cont.)
- Infringement
  - *Commil USA v. Cisco*, 720 F.3d 1361 (Fed. Cir. 2013) - *Parts I and II(B)* only.

Defenses to Patent Infringement
- Section 101 – Patentable Subject Matter

  *Optional*

- Indefiniteness

  *Optional*

- Inequitable Conduct

  *Optional*

- Invalidity / PTAB
  - Trends From 2 Years of AIA Post-Grant Proceedings, Joseph Casino, Law 360 (Sept. 29, 2014).

Claim Construction Law and Strategy
Class 4: (Tuesday, January 6, 2015, 1:00 – 3:00 pm)

Patent Injunctions

Damages / Valuation
- Lost Profits
  - Clifford Henson, A Primer on Available Acceptable Non-infringing Substitutes (unpublished manuscript).
- Reasonable Royalty

Optional
- Fong et al., Quantified the Georgia-Pacific Factors for Calculating Reasonable Royalties, 2 REV. INTEGR. BUS. ECON. RES. 261 (2013).

DISTRIBUTION OF EXAM
Class 5: (Wednesday, January 7, 2015, 9:30 – 12:30)

Damages Wrap-up

Prelitigation strategic decision – patents, parties and venue

Discussion of exam

Prelitigation ethical obligations
- Raylon v. Complus Data Innovations, 700 F.3d 1361 (Fed. Cir. 2012).

Patent Infringement Complaint Drafting
- In re Bill of Lading, 681 F.3d 1323 (Fed. Cir. 2012).

Class 6: (Saturday, January 10, 2015, 2:00-3:00 pm)

Course Evaluations

Exam Discussion

Ethical issues and Complaint Drafting wrap-up
Texas A&M University

Departmental Request for a New Course
Undergraduate • Graduate • Professional

Form Instructions
1. Course request type:
   - Undergraduate
   - Graduate
   - First Professional (DVM, MD, JD, PharmD, DPM)

2. Request submitted by (Department or Program Name):
   Select or Type Department/Program Name: School of Law

3. Course prefix, number and complete title of course:
   LAW- 7409 Special Problems in Corporate Law: Offshore Financial Transactions, Cayman Islands

4. Catalog course description (not to exceed 50 words):
   Combined classroom and field experience in the Cayman Islands: examination of international business, tax
   strategies, and related policy issues; goals motivating U.S. corporations to organize offshore business entities and
   policy and legal issues related to the use of such entities; interaction with professionals and policymakers from
   the Cayman Islands.

5. Prerequisite(s):
   Cross-listed with: [List of cross-listed courses]
   Stacked with: [List of stacked courses]

6. Is this a variable credit course? Yes ☐ No ☑
   No ☐ Yes ☑
   If yes, from _____ to _____

7. Is this a repeatable course? Yes ☐ No ☑
   No ☐ Yes ☑
   If yes, this course may be taken _____ times.

8. Will this course be repeated within the same semester? Yes ☐ No ☑

9. Will this course be submitted to the Core Curriculum Council? Yes ☐ No ☑

10. How will this course be graded? ☐ Grade ☑ S/U
     ☐ P/F (CLMO)

11. This course will be:
    a. required for students enrolled in the following degree programs(s) (e.g., B.A. in history)
    b. an elective for students enrolled in the following degree program(s) (e.g., M.S., Ph.D. in geography)

12. I verify that I have reviewed the FAQ for Export Control Basics on Distance Education (http://www.tamu.edu/eresources/export-control-export-controls-basics-for-distance-education).

13. Prefix: LAW
    Course # 7409
    Title (Excluding Punctuation) Sec Prob Corp Law Cayman Is

   Lect. 00 00 00 2 2201010008 1710 16 17 0 0 3 6 3 2
   Lab Other SGII GIP and Fund Code Admin. Unit Acad. Year FICE Code

   Approval recommended by:
   Maxine M. Harrington
   Wayne Barnes
   Date 9/30/2015
   Chair, College Review Committee
   Date

   (if cross-listed course)
   Department Head or Program Chair (Type Name & Sign)
   Date
   Dean of College
   Date

   Submitter to Coordinating Board by:
   Chair, GC or UCC
   Date

   Associate Director, Curricular Services
   Date

   Effective Date

Questions regarding this form should be directed to Sandra Williams at 845-8201 or sandra.williams@tamu.edu.
Curricular Services – 07/14
Course Description and Objectives

The Cayman Islands is one of the world’s leading providers of institutionally focused, specialized financial services. Cayman is a preferred destination for the structuring and domiciling of sophisticated financial services products. This two-credit course combines classroom and field experiences to introduce students to Cayman Islands financial products. During three course sessions at the School of Law, students are familiarized with the concepts of captive insurance, asset securitizations, hedge funds, and asset protection. The class then spends one week in Grand Cayman. The Cayman experience features presentations by Cayman Islands finance professionals including bankers, attorneys, accountants, and regulators. The course equips students to assist clients in evaluating international business strategies.

Prerequisites / Corequisite

Students must have previously completed or currently be enrolled in one of the following classes: International Business Transactions, Business Associations II. This requirement may be waived for students who can demonstrate experience and competence in these areas.

Course Materials

There is no required text book for this course. Assigned reading will consist of articles available on TWEN.

Class Sessions

• U.S. Classes: Four hours of class will be held prior to March 15th. Date(s) and time(s) for this instruction will be announced after all students have registered for the course. It will not conflict with students’ other courses. Please note that in order to accommodate everyone’s course schedules, the Cayman course instruction might be held at inconvenient times, such as lunch hours, evenings, or Fridays and Saturdays. Participation in pre-Cayman class is MANDATORY. Without this background and instruction you will not be able to participate in the Cayman trip.
Class Sessions (cont’d)

- **Cayman Classes:** The class will travel to Grand Cayman on March 15, 2015 and return on March 22, 2015. Class sessions will be held from approximately 8:30 am until 1:30 pm on March 16, 17, 19, and 20. These sessions will be taught by Cayman Islands professionals. Dress for Cayman Class sessions is business casual.

- **Networking Event:** Students are expected to attend at least one evening networking event in Grand Cayman. During times when classes are not scheduled, students are free to explore the island.

Grading

This course follows the grading scale and grading policies outlined in Academic Standards 8.1-8.54, which may be found in the Student Handbook.

Student grades for the course will be based on the following components:

- **Class Participation (10%):** Unexcused missed class sessions will result in a loss of a letter grade per class. Class participation grades are based on your intellectual and practical contributions to classes. Full and active participation in class sessions while traveling is required. Also, each class member will be expected to adopt a community attitude toward the safety and learning of everyone traveling with us. Class participation grades are based on the strong belief that incentives matter as an inducement to productive behaviors. Each student being a responsible and intellectually curious, full participant in the course is central to its success.

- **Personal Journal (20%):** Students must keep a daily journal with entries of 500-1,000 words per day during the trip. The journal should contain a record of class activities, with a focus on the lessons learned and questions raised. Each entry should include a statement of the legal issues discussed that day and summaries of the foreign and U.S. perspectives on those issues. The journals will be due at 9 a.m. on Monday, March 30th. Submit by e-mail to Dean Morriss’s assistant, Sonia Jimenez (simenez@law.tamu.edu).

- **Module Guides (35%):** The class will be divided into small “module groups,” each of which will be required to collectively prepare a resource guide (in the past these have been between approximately 4000 and 5000 words) for the rest of the class on one of the modules covered in the course. These “module guides” will be due at 9 a.m. on Monday, March 30th. Submit by e-mail to Dean Morriss’s assistant, Sonia Jimenez (simenez@law.tamu.edu). Assignments will be distributed in Cayman.

- **Law Firm Exercise (35%):** Working in groups, students will prepare a brief (3-5 page) client letter based on a problem, explaining how offshore financial transactions can be used to address various issues. These will be due at 5 p.m., Monday, April 15th. Submit by e-mail to Dean Morriss’s assistant, Sonia Jimenez (simenez@law.tamu.edu). The exercise will be distributed on Monday, March 30th after the module guides are turned in.
Slides

Some presentations may utilize PowerPoint slides. If the presenter agrees, these slides will be available to you after the class on Westlaw’s TWEN system. For pedagogical and practical reasons, slides will not be available prior to class.

Recording Devices

The use of recording devices is prohibited without prior written permission.

Office and Contact Information

Office: Office of the Dean
E-mail: sjimenez@law.tamu.edu

I will ask that you schedule an appointment. You may schedule an appointment (either for office hours or another mutually convenient time) by e-mailing me your preferred appointment time.

Accommodation of Disabilities

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Assistant Dean of Students, Rosalind Jeffers. Due to the law school’s policy of testing anonymity, students should not discuss their disabilities with professors. For assistance, students should consult with Dean Jeffers. For additional information visit http://law.tamu.edu/current-students/student-affairs/exam-accommodation

Academic Integrity and Conduct

“An Aggie Does Not Lie, Cheat or Steal.”

Matters of academic dishonesty by law students are governed by the Honor System Rules. All students are bound by the Texas A&M University Honor System Rules and Procedures. Law students are also bound by additional rules of the Law School. Students are responsible for knowing the Honor Code and Honor System Rules, complying with their requirements, and reporting known violations. Texas A&M University also has a Student Conduct Code regarding nonacademic misconduct that applies to law students. For more information, visit the Law School’s website.
Diversity

The University is committed to providing an atmosphere of learning that is representative of a variety of perspectives. In this class, you will have the opportunity to express and experience cultural diversity. Individuality and creative expression are welcome. Take advantage of these opportunities in your own work, but also learn from the information and ideas shared by others.

Attendance

Due to the collaborative and condensed nature of this class, class attendance for all sessions is mandatory. Any class absence for any reason will result in administrative withdrawal from the class. You are required to adhere to the attendance policy as outlined in Texas A&M University School of Law Student Handbook.
Texas A&M University

Departmental Request for a New Course
Undergraduate • Graduate • Professional
* Submit original form and attach a course syllabus. *

Form Instructions

1. Course request type:
   - [ ] Undergraduate
   - [ ] Graduate
   - [x] First Professional (DOS, MD, JD, PharmD, DVM)

2. Request submitted by (Department or Program Name):
   Select or Type Department/Program Name School of Law
   LAW-7445 Environmental Oil & Gas Law

3. Course prefix, number and complete title of course:

4. Catalog course description (not to exceed 50 words):
   Exploration of federal, state, and local environmental laws that impact the oil and gas industry; current laws that apply to hydraulic fracturing activities as well as current studies and enforcement actions concerning the same; and analyzes typical claims and defenses asserted in recent hydraulic fracturing litigation.

5. Prerequisite(s):
   - One year of law school in the full-time or part time program: LAW 7444

6. Cross-listed with:
   - Stacked with:
   - Cross-listed courses require the signature of both department heads.

7. Is this a variable credit course?
   - [ ] Yes
   - [x] No
   - If yes, from ________ to ________

8. Is this a repeatable course?
   - [ ] Yes
   - [x] No
   - If yes, this course may be taken ________ times.

9. Will this course be repeated within the same semester?
   - [ ] Yes
   - [x] No

10. Will this course be submitted to the Core Curriculum Council?
    - [ ] Yes
    - [x] No

11. How will this course be graded?
    - [x] Grade
    - [ ] S/U
    - [ ] P/F (CLMD)

12. This course will be:
    - [ ] required for students enrolled in the following degree program(s) (e.g., B.A. in history)
    - [ ] an elective for students enrolled in the following degree program(s) (e.g., M.S., Ph.D. in geography)
    - J.D. School of Law

13. If other departments are teaching or are responsible for related subject matter, the course must be coordinated with these departments. Attach approval letters.

14. I verify that I have reviewed the FAQ for Export Control Basics for Distance Education (http://vpr.tamu.edu/resources/export-controls/export-controls-basics-for-distance-education).

15. Prefix | Course # | Title (excluding punctuation)
   --- | --- | ---
   LAW | 7445 | Environ Oil & Gas Law

   Lect. | Lab | Other | SCH | CIP and Fund Code | Admin. Unit | Acad. Year | FICE Code | Level | Code
   2 | 00 | 00 | 2 | 2201010008 | 1710 | 16 | - | 17 | 0 | 0 | 3 | 6 | 3 | 2 | 7 | 7

Approval recommended by:
Maxine M. Harrington
Department Head or Program Chair (Type Name & Sign) Date 2-05-13
Wayne Barnes
Chair, College Review Committee Date 1-30-2015
Andrew P. Morris
Dean of College Date Sept. 29, 2015

Submitted to Coordinating Board by:
Chair, GC or UCC Date

Associate Director, Curricular Services Date

Questions regarding this form should be directed to Sandra Williams at 845-8201 or sandra.williams@tamu.edu.
Curricular Services – 07/14
ENIRONMENTAL OIL & GAS LAW
- Spring 20xx -

Course Information

Number/section: LAW-7445
Prerequisites: One year of law school in the full-time or part-time program, including Oil & Gas
Schedule: Thursday, 6:00 p.m. to 7:50 p.m.
Location: Room 207

Instructor Information

Instructor: Michael R. Goldman
Campus email: mrgoldman@law.tamu.edu
Alternate email: Goldman@gsfpc.com
Office: By appointment
Office phone: 214.692.0025
Mobile phone: 214.274.6857

Required Materials

Will be provided electronically prior to each class.

Course Description

This course explores federal, state and local environmental laws that impact the oil and gas industry. We will examine current laws that apply to hydraulic fracturing activities as well as current studies and enforcement actions concerning the same. With also analyze typical claims and defenses asserted in recent hydraulic fracturing litigation.

This syllabus is intended to provide basic information concerning the course. It can be viewed as a “blueprint” for the course. As conditions warrant, changes in the syllabus may be made. You will be informed of changes via email, via our course website, or in class.

Instructional Methods

Class lectures will be interspersed regularly with questions posed to students at random. This format is undertaken only to facilitate your learning both the material and those critical analytic skills that are essential to the practice of law. In that light, I expect students to act respectfully toward their peers and I look forward to establishing a comfortable educational environment. If extenuating circumstances arise such that you are not prepared to participate in the class discussion on a given day, please advise me via telephone or email as early as possible before the class session. If you do so, I will not call on you that day. You are entitled to one such “pass” for the semester.
If you have not already done so, you will need to register an active email account through the class website that you will be expected to check regularly, as I may email you assignments or other class information. I also will post on the class website any Power Point slides we use in class.

**Evaluation, Grading, and Attendance**

This course follows the grading scale and grading policies outlined in Academic Standards 8.1-8.54, which may be found in the Student Handbook.

Except as otherwise noted herein, you will be graded on your performance on a final, open-book, two-hour exam. Your exam will include essay and/or short answer and/or multiple choice questions. In accord with law school policy, I will grade the exams blindly (i.e., without knowing the identity of the test-taker) and conform to the school’s grading requirements. All reading assignments and any topics discussed in class, on our class website, or through other electronic correspondence are potential fodder for the final exam.

Because the exam will focus primarily on those readings that we analyze in class, regular class attendance and participation is highly recommended. I reserve the discretionary right to adjust your exam grade by one-third of a point (e.g., from a C+ to a B-, or an A- to a B+) for exceptionally positive or negative contributions to class discussions. Your attendance is expected on a regular basis, and it is to your performance advantage to attend every class this semester. I plan to take attendance via written roll, though it is your responsibility to assure your conformance with the law school’s attendance policy by checking the records at Student Services.

You are required to adhere to the attendance policy as outlined in the Texas A&M University School of Law Student Handbook.

**Laptops**

Laptops are welcome in class, though paying attention to the class discussion will serve you far better on your final exam than mere typing of the class discussion content verbatim. I may, at times, ask the class to close all laptops for a particular discussion or class exercise.

**Reading Assignments**

What follows is an anticipated reading schedule. As the semester progresses, however, we may fall behind or speed ahead of the schedule requiring that the reading assignments be adjusted. I therefore reserve the right to change and adjust the assignments based on the pace and progress of the class, the topics of particular interest to the class, and otherwise, as I deem necessary.

**Tentative Course Schedule**

- **Class 1.** Overview of Conventional vs. Unconventional Oil and Gas Development, Types and Locations of Oil and Gas Reservoirs, and Overview of Activities Associated with Oil and Gas Development including: (1) Siting and Site Preparation; (2)
Drilling, Casing and Cementing; (3) Hydraulic Fracturing; (4) Well Plugging; (5) Site Reclamation; (6) Waste Management and Disposal; and (7) Managing Air Emissions.

READ:

- *Unconventional Oil and Gas Development, Key Environmental and Public Health Requirements*, GAO-12-874, September 2012, pp. 5-16
- *Oil and Gas, Information on Shale Resources, Development, and Environmental and Public Health Risks*, GAO-12-732, September 2012, pp. 5-12
- *EIA Map, “Major Tight Gas Plays, Lower 48 States”*

**Class 2**. Overview of Key Federal Environmental Laws and Exemptions Applicable to Oil and Gas Development including: (1) Safe Drinking Water Act; (2) Clean Water Act; (3) Clean Air Act; (4) Toxic Substance Control Act; (5) Resource Conservation and Recovery Act; (6) Comprehensive Environmental Response, Compensation and Liability Act; (7) Emergency Planning and Community Right-to-Know Act; (8) Endangered Species Act; (9) Migratory Bird Treaty Act.

READ:

- *Environmental Oil and Gas Law*, pages 2-14
- March 8, 2011 letter from EPA
- *Unconventional Oil and Gas Development, Key Environmental and Public Health Requirements*, GAO-12-874, September 2012, pp. 43-44
- *Unconventional Oil and Gas Development, Key Environmental and Public Health Requirements*, GAO-12-874, September 2012, pp. 17-46 (Optional additional reading on overview of environmental statutes)
- *EPA Sees Gaps In State Drilling Waste Programs But Floats Voluntary Fixes*, InsideEPA.com (April 17, 2014)
- *Suit Aims to Force EPA Decision on Adding Oil, Gas Drilling Sector to TRI*, InsideEPA.com (January 7, 2015)
- *Environmental Integrity Project v. EPA*, Case 1:15-cv-00017, in the District Court for the District of Columbia (Complaint for Declaratory and Injunctive Relief). (Optional additional reading)
Class 3. Key Exemptions under the Safe Drinking Water Act and Its Application or Non-Application to Hydraulic Fracturing, Saltwater Disposal, and Other Underground Injections; and recent EPA Enforcement Actions under Safe Drinking Water Act.

READ:

- *Environmental Oil and Gas Law*, pp. 2-3 (review exemption under SWDA), also read pp. 14-18
- *Legal Environmental Assistance Foundation, Inc. v. Environmental Protection Agency*, 118 F.3d 1467 (11th Cir. 1997)
- Regulation of Hydraulic Fracturing under the Safe Drinking Water Act
- *Tennessee Valley Authority v. Whitman*, 336 F.3d 1236 (11th Cir.), cert. denied, 124 S. Ct. 2096 (2003). (You only need to read section II(B), titled “Finality Doctrine: An Overview,” the first paragraph of section V(B), entitled “Constitutional Violations,” and section VI, entitled “Conclusion”.
- *Sackett v. Environmental Protection Agency*, 132 S. Ct. 1367

Class 4. Recent EPA Enforcement Actions under the Safe Drinking Act (cont’d) as well as under the Comprehensive Environmental Response, Compensation and Liability Act in Pavillion, Wyoming and Dimock, Pennsylvania; and Key Texas Environmental Regulations.

READ:

- *Environmental Oil and Gas Law*, pp. 18-22, 25-28
- *Common Environmental Requirements for Regulated Oil and Gas Operations*, TCEQ Regulatory Guidance, RG-482 (February 2013).
**Class 5.** Key Texas Environmental Regulations (cont’d); The Oil Field Cleanup Fund and RRC Voluntary Cleanup Program; and Local Environmental Regulation over noise, odors and other nuisances.

**READ:**

- *Environmental Oil and Gas Law*, pp. 23-25, 28-32
- *Environmental Permit Types and Information, RRC* (December 2014)
- Texas Railroad Commission: *Barnett Shale Information, What does the Railroad Commission Not have jurisdiction over and who to contact* (November 26, 2014)

**Class 6.** Local Environmental Regulation (cont’d) including a discussion on Ordinances, Moratoriums and Limitations.

**READ:**

- *Environmental Oil and Gas Law*, pp. 32-35
- *Denton Drilling Awareness Group and Earthworks Petition In Intervention* (Dec. 4, 2014).
- *Southern Crushed Concrete, LLC v. City of Houston*, 398 S.W.3d. 676 (Tex. 2013)
- *City of Houston v. BCCA Appeal Group*, 2013 WL 4680224 (Tex. App.—Houston 2013, pet. filed)

**Class 7.** EPA’s Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources; Fort Worth Natural Gas Air Quality Study; Key University Studies: (1) Is the Greenhouse Gas Footprint of Shale Gas More Than Coal? (2) Does Hydraulic Fracturing Cause Contamination of Groundwater? (3) Does Hydraulic Fracturing Cause Earthquakes? (4) Is there a Public Health Impact of Air Emissions from Unconventional Gas Drilling Operations?

**READ:**

- *Environmental Oil and Gas Law*, pp. 35-38, 43, 46-52
- *U.S. ENV'TL PROT. AGENCY, EPA’s Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources*
- *U.S. ENV'TL PROT. AGENCY, The Hydraulic Fracturing Water Cycle*
- *U.S. ENV'TL PROT. AGENCY, EPA Release Update on Ongoing Hydraulic Fracturing Study*
- *Endangered Species in the Oil Patch* (June 2013)
• Characterization of an Earthquake Sequence Triggered by Hydraulic Fracturing in Harrison County, Ohio.
• Water Use in the Eagle Ford Shale, pp 1-18.
• No class (Spring Break).

Class 8. Preserving Air Quality: Federal and State Air Quality Regulation

READ:

• Environmental Oil and Gas Law, pp. 8-10
• ENVT’L PROT. AGENCY, Overview of Final Amendments to Air Regulations for the Oil and Natural Gas Industry, Fact Sheet
• Fort Worth Natural Gas Air Quality Study
• Study Shows Air Emissions Near Fracking Sites May Pose a Health Risk
• EPA Eyes Drilling Methane Controls But Sees Limits for Oil Well Regulation, InsideEPA.com (April 16, 2014).

Class 9. Litigation: Recent Trends, Typical Claims and Typical Causes of Action (Trespass)

READ:

• Environmental Oil and Gas Law, pp. 54-57, 60-62
• Railroad Comm’n v. Manziel, 361 S.W.2d 560 (Tex. 1962)
• Coastal Oil & Gas Corp. v. Garza Energy Trust, 268 S.W.3d 1 (Tex. 2008)
• FPL Farming Ltd. v. Environmental Processing Systems, 351 S.W.3d 306 (Tex. 2011)

Class 10. Litigation: Typical Causes of action (Nuisance, Negligence and Negligence Per Se, Breach of Contract, Strict Liability, and Fraud)

READ:

• Environmental Oil and Gas Law, pp. 58-59, 62-65

• North Carolina, ex rel. Cooper v. Tennessee Valley Authority, 615 F.3d 291, 309 (4th Cir. 2010)


Class 11, Litigation: Typical Damages, Key Defenses and Strategies: (1) Surface Estate Owner and Neighboring Property Owner; (2) Causation (Lone Pine Orders).

READ:

• Environmental Oil and Gas Law, pp. 65-71
• Strudley v. Antero Resources Corp., 2013 WL 3427901 (Colorado Court of Appeals 2013).

Class 12, Litigation: Key Defenses and Strategies: Causation (State Action Levels, No Evidence, and Collateral Attack)

READ:

• Environmental Oil and Gas Law, pp. 71-73
• In re Lipsky, 2013 WL 1715459, at * 1 (Tex. App.—Fort Worth, orig. proceeding).

Class 13, Litigation: Key Defenses and Strategies: Temporary and Permanent Injury; Standing; Preemption; Jurisdiction

• Environmental Oil and Gas Law, pp. 74-77
• *Corbello v. Iowa Production*, 850 So. 2d 686 (La. 2003)

**Class 14**.

• What We Know and Don’t Know About Methane Emissions Associated With Shale Gas Production, Penn State University, [https://meeting.psu.edu/p5tuhsolek3/?launch=launcher=false&fcsContent=true&pbMode=normal](https://meeting.psu.edu/p5tuhsolek3/?launch=launcher=false&fcsContent=true&pbMode=normal)
• Underground Injection Control Program, Penn State University, [http://extension.psu.edu/natural-resources/natural-gas/events/underground-injection-wells](http://extension.psu.edu/natural-resources/natural-gas/events/underground-injection-wells)

**Course Objectives**

Upon completion of this course, it is expected that you will have developed a baseline understanding that will allow you to both speak and write thoughtfully about the most significant topics encountered in the practice of environmental oil and gas law. First, we will discuss the existing federal laws and regulations and proposed federal laws which apply to hydraulic fracturing activities as well as current studies and enforcement actions concerning the same. We will then discuss Texas statutes and regulations and various activities that are currently being pursued by the regulatory agencies that govern shale gas exploration in Texas. With respect to local matters, we will also briefly consider municipal regulation of the industry. With the rapid growth of shale gas exploration as a result of hydraulic fracturing, increased litigation has likewise grown. Finally, we will review recent litigation trends which relate to hydraulic fracturing, including an analysis of the typical claims asserted as well as the key applicable defenses under Texas law.
Law School Disability Policy

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Assistant Dean of Students, Rosalind Jeffers. Due to the law school's policy of testing anonymity, students should not discuss their disabilities with professors. For assistance, students should consult with Dean Jeffers. For additional information visit http://law.tamu.edu/current-students/student-affairs/exam-accommodation

Academic Integrity Statement and Policy

"An Aggie does not lie, cheat or steal, or tolerate those who do."

Your actions are governed by the Texas A&M University Honor System Rules and Procedures and the law school’s honor systems rules in the Student Handbook.

You are also expected to act with the utmost professionalism, for you indeed are preparing to enter the legal profession. A profession, according to Dean Roscoe Pound, "refers to a group . . . pursuing a learned art as a common calling in the spirit of public service — no less a public service because it may incidentally be a means of livelihood." American Bar Association Commission on Professionalism (1986).

Congratulations

Congratulations on your commitment to legal education. With an admitted bias, I believe your course of study at this law school will prepare you for a wide range of legal and other opportunities in the near future. I am pleased to play a small role in your experience here. I look forward to a wonderful semester with you in this class on Environmental Oil and Gas Law.
Texas A&M University
Departmental Request for a New Course
Undergraduate ∙ Graduate ∙ Professional

1. Course request type: □ Undergraduate □ Graduate □ First Professional (DDS, MD, JD, PharmD, DVM)
2. Request submitted by (Department or Program Name): Select or Type Department/Program Name  School of Law
   LAW-7646 Sentencing Law & Policy Seminar
3. Course prefix, number and complete title of course:
4. Catalog course description (not to exceed 50 words):
The sentencing phase of an offender's contact with the criminal justice system; exploration of the dynamics of the creation, use and impact of sentencing law and policy through the experiences of the key stakeholders at the state and federal level.
5. Prerequisite(s): All lockstep courses except Constitutional Law
6. Is this a variable credit course? □ Yes □ No If yes, from _______ to _______
7. Is this a repeatable course? □ Yes □ No If yes, this course may be taken _______ times.
   Will this course be repeated within the same semester? □ Yes □ No
8. Will this course be submitted to the Core Curriculum Council? □ Yes □ No
9. How will this course be graded? □ Grade □ S/U □ P/F (CLMD)
10. This course will be:
    a. required for students enrolled in the following degree program(s) (e.g., B.A. in history)
    b. an elective for students enrolled in the following degree program(s) (e.g., M.S., Ph.D. in geography)
      J.D. School of Law
11. If other departments are teaching or are responsible for related subject matter, the course must be coordinated with these departments. Attach approval letters.
12. □ I verify that I have reviewed the FAQ for Export Control Basics for Distance Education (http://expl.tamu.edu/resources/export-controls/export-control-basics-for-distance-education)
13. Prefix Course # Title (excluding punctuation) Law 7646 Sentencing Law & Policy Sem
<table>
<thead>
<tr>
<th>Lect.</th>
<th>Lab</th>
<th>Other</th>
<th>SCH</th>
<th>CIP and Fund Code</th>
<th>Admin. Unit</th>
<th>Acad. Year</th>
<th>FINC Code</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>00</td>
<td>00</td>
<td>2</td>
<td>2201010008</td>
<td>1710</td>
<td>16 - 17</td>
<td>0 0 3 6 3 2</td>
<td>7</td>
</tr>
</tbody>
</table>
   Approval recommended by: Maxine M. Harrington
   Department Head or Program Chair (Type Name & Sign) Date
   Department Head or Program Chair (Type Name & Sign) Date
   (if cross-listed course)
   Submitted to Coordinating Board by: Wayne Barnes
   Chair, College Review Committee Date
   Andrew P. Morris
   Dean of College Date
   Sept. 29, 2015
   Chair, GC or UCC Effective Date

Questions regarding this form should be directed to Sandra Williams at 845-8201 or sandra.williams@tamu.edu.
Curricular Services – 07/14
Spring 20xx
Prof. Rich

Texas A&M University School of Law
LAW 7646 – Sentencing Law & Policy

COURSE OVERVIEW & REQUIREMENTS

Professor: Lisa A. Rich
Office: Room 108
Office Hours: Tuesdays, 4:00 -- 5:00 p.m.
Thursdays, 3:00 – 4:00 p.m.
By appointment & walk-in
Office Phone: (817)212-3952
E-mail: larich@law.tamu.edu

COURSE DESCRIPTION

The sentencing phase of an offender’s contact with the criminal justice system has become one of the most important aspects of the criminal justice process. This course explores the dynamics of the creation, use, and impact of sentencing law and policy through the experiences of the key stakeholders at the state and federal level.

PREREQUISITE

All lockstep courses except Constitutional Law

COURSE OBJECTIVES

This course will (1) introduce students to the purposes of sentencing; (2) explore how those purposes are integrated into sentencing law and policy; (3) examine the roles of the various stakeholders – including the offender – in the sentencing process; (4) examine how the creation of new offenses or the amending of penalties for existing offenses (including those for white collar and corporate crimes) contribute to sentencing outcomes; (5) consider how sentencing law and policy contributes to or controls levels of incarceration; and (6) explore the impact of sentencing law and policy on different race, economic, and gender classes so that students have a firm understanding of the sentencing phase of the criminal justice process and its impact on an offender and his or her larger community.

REQUIRED TEXTS

The Bluebook: A Uniform System of Citation (19th ed.)

RECOMMENDED TEXT

COURSE OVERVIEW & SYLLABUS

This Overview & the Syllabus are intended to provide students with basic information concerning the course. These materials can be viewed as a “blueprint” for the course; changes to the syllabus can be made by the professor throughout the course, and students will be informed of any substantive changes concerning homework, the grading and attendance policies and changes in project assignments.

READING ASSIGNMENTS AND CLASS PREPARATION

As future lawyers, it is important for you to develop your reading, organizational, and prioritizing skills. Please read the weekly assignments before class. The assignments listed in the syllabus for this course are subject to change and additional assignments may also be distributed.

COURSE WEBSITE AND E-MAIL

Registration for this class on TWEN is required. This site will be used for posting course materials and additional assignments, making class announcements, submitting electronic versions of assignments, and may be used for other assignments or meetings throughout the semester. Check your school e-mail accounts frequently for announcements regarding the law school and this course.

ASSIGNMENTS & GRADES

Grades in this class will be based on class participation, a formal class presentation, and the completion of analytical writing assignments as outlined below:

Students Seeking Rigorous Writing Credit:

Analytical Research Paper (80 percent of final grade): Students seeking to fulfill a rigorous writing requirement with this class must complete a minimum 6,500 word analytical research paper (exclusive of footnotes) on a topic selected with the professor’s approval. Students who fail to meet the minimum word requirement will receive a 2-letter grade reduction on their paper (e.g., A to C). In addition, the professor will not grant rigorous writing credit to students who fail to meet the minimum word count. Students must comply with all requirements associated with completion of the paper, including submission of topics, outlines, drafts and final papers in accordance with the schedule set forth below. Students who fail to comply with these deadlines shall receive a 1-increment grade deduction for each deadline missed (e.g., A to A-). LATE PAPERS WILL NOT BE ACCEPTED.

Students Not Seeking Rigorous Writing Credit:

Two Essay Series Requirement (80 percent of final grade): Students not seeking to fulfill the rigorous writing requirement with this class must complete two (2) analytical research essays throughout the course. The first essay must be a minimum of 2,000 words (exclusive of
footnotes); the second essay must be a minimum of 2,500 words (exclusive of footnotes) on a topic (or topics) selected with the professor’s approval. Students may, but do not have to, add an additional 2,500 words to the first essay to satisfy the second essay requirement. Students who fail to meet the minimum word requirement will receive a 2-letter grade reduction on their paper (e.g., A to C). Students must comply with all requirements associated with completion of the paper, including submission of topics, outlines, and final papers in accordance with the schedule set forth below. Students who fail to comply with these deadlines shall receive a 1-increment grade deduction for each deadline missed (e.g., A to A-). LATE PAPERS WILL NOT BE ACCEPTED.

For All Students:

This course follows the grading scale and grading policies outlined in Academic Standards 8.1-8.54, which may be found in the Student Handbook.

In-Class Presentations (20 percent of final grade): Students will be required to give a 20-minute in-class presentation introducing the topic selected for their analytical research papers or essay(s), including a general overview of the subject and key findings, recommendations, or conclusions. The professor will assign “slots” for these presentations within the first three (3) weeks of the course.

Participation: This seminar class relies on thoughtful exchange and discourse in order to explore the various topics covered. Students are expected to come to class prepared to discuss the topic and materials assigned for that day. As such, the professor will include class participation into the final calculation of your grade. Class attendance, level of engagement, and overall participation can result in the raising or lowering of a student’s final grade by one (1) letter increment (B to a B+, or B+ to B). Class participation will be evaluated on a student’s attendance record, preparation for the class, demonstrated knowledge of the subjects being discussed, and overall constructive participation in class discussion, as well as demonstrated mastery of the objectives set out for the course.

Questions on Projects: I encourage you to ask questions about assignments if something is unclear to you. A good lawyer will always make sure he or she has the information necessary to produce high quality work. That said, I do adhere to a “48-hour rule” and will not answer any questions about a project within 48 hours of its due date.

**TEACHING METHOD**

This is a seminar course designed to engage students in meaningful dialogue about the subjects being covered during the class meeting time. In addition to the reading or other materials assigned for the class, students will be expected to bring current events and other issues into the discussion after prompts from the professor.
CLASSROOM ETIQUETTE AND ATTENDANCE REQUIREMENTS

Guidelines & Policies
You are required to adhere to the attendance policy as outlined in the Student Handbook and to the policies on classroom conduct (see “Code of Conduct”). A student who disrupts the classroom or otherwise interferes with the right of others in the class to learn may be asked to leave the class.

Electronic Devices & Media Access

Please be sure that all electronic devices are silenced prior to the start of class. Laptop computers are permitted in this course for purposes directly related to this course. During class, laptop computers (and other electronic devices) may not be used for any other purpose including, but not limited to, playing games, sending instant messages, “surfing” the Internet, reading or sending e-mail messages, or working on assignments for other courses. Cell phones and other electronic devices not being used for in-class purposes must not be on your desks during class.

Violations of classroom etiquette could result in your being asked to leave class, resulting in an unexcused absence for that class. Such absences will count toward the maximum allowed allowances.

DISABILITY POLICY

ACADEMIC INTEGRITY STATEMENT AND POLICY

“An Aggie does not lie, cheat or steal, or tolerate those who do.”

“The Aggie Code of Honor is an effort to unify the aims of all Texas A&M men and women toward a high code of ethics and personal dignity. For most, living under this code will be no problem, as it asks nothing of a person that is beyond reason. It only calls for honesty and integrity, characteristics that Aggies have always exemplified. The Aggie Code of Honor functions as a symbol to all Aggies, promoting understanding and loyalty to truth and confidence in each other.”

For more information, go to the Texas A&M University Honor System Rules and Procedures and the law school rules found in the Student Handbook.
PROFESSIONALISM

The practice of law is a profession, and we as legal practitioners are required to conduct ourselves with an appropriate level of professionalism. "Professionalism" is conduct consistent with the tenets of the legal profession as demonstrated by a practitioner’s civility, honesty, integrity, character, fairness, competence, ethical conduct, public service, and respect for the rule [and spirit] of law, the courts, clients, persons who work within the legal profession, witnesses, and unrepresented parties.¹

TENTATIVE COURSE SCHEDULE

Text: *Sentencing Law & Policy*, Berman et al. (3d ed.)

The professor, at her discretion, may change the assignments listed below.

<table>
<thead>
<tr>
<th>DATE</th>
<th>SUBJECT</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.16.2015</td>
<td>Course Overview &amp; The Purposes of Sentencing</td>
<td>Preface; 1-36; skim 37-46; 47-79</td>
</tr>
<tr>
<td>01.23.2015</td>
<td>The Stakeholders in the Sentencing Process &amp; Policy</td>
<td>81-84; skim 85-98; 98-129; skim 129-34</td>
</tr>
<tr>
<td>01.30.2015</td>
<td>The Role of Offenses in the Sentencing Process &amp; Policy</td>
<td>279-302; 341-48</td>
</tr>
<tr>
<td>02.06.2015</td>
<td>NO CLASS TODAY(^2)</td>
<td>NO CLASS</td>
</tr>
<tr>
<td>02.13.2015</td>
<td>The Sentencing Process: Federal</td>
<td>139-45; Pull 18 U.S.C § 3553 and 28 U.S.C. §§ 991-998 from a source of your choice; additional materials will be provided</td>
</tr>
<tr>
<td>02.20.2015</td>
<td>The Sentencing Process: State</td>
<td>148-61; additional material may be provided</td>
</tr>
<tr>
<td>02.27.2015</td>
<td>Race, Gender, and Class Considerations &amp; Impacts</td>
<td>725-88</td>
</tr>
<tr>
<td>03.06.2015</td>
<td>Incarceration &amp; Collateral Consequences Part I</td>
<td>558-615</td>
</tr>
<tr>
<td>03.13.2015</td>
<td>Incarceration &amp; Collateral Consequences Part II</td>
<td></td>
</tr>
<tr>
<td>03.20.2015</td>
<td>White Collar Crime: Individuals</td>
<td>Material will be provided</td>
</tr>
<tr>
<td>03.27.2015</td>
<td>Corporate Crime &amp; Compliance Initiatives</td>
<td>Material will be provided</td>
</tr>
<tr>
<td>04.03.2015</td>
<td>Alternatives to Incarceration &amp; Sentencing Policy Reforms</td>
<td>625-73; skim (with care) 674-708</td>
</tr>
<tr>
<td>04.10.2015</td>
<td>Presentations</td>
<td></td>
</tr>
<tr>
<td>04.17.2015</td>
<td>Presentations</td>
<td></td>
</tr>
<tr>
<td>04.24.2015</td>
<td>Presentations</td>
<td></td>
</tr>
<tr>
<td>05.01.2015</td>
<td>Make-up Class: Closing Thoughts on Sentencing Law &amp; Policy</td>
<td></td>
</tr>
</tbody>
</table>

\(^2\) Prof. Rich will be attending a conference on Friday, 6 February 2015. Please use this day to work on your topic selection and research. Topics are due via email on Monday, 9 February 2015.
Texas A&M University
Departmental Request for a New Course
Undergraduate • Graduate • Professional
• Submit original form and attach a course syllabus.

Form Instructions
1. Course request type:
   - Undergraduate
   - Graduate
   - First Professional (DDS, MD, JD, PharmD, DVM)

2. Request submitted by (Department or Program Name):
   Select or Type Department/Program Name School of Law
   LAW- 7793 LARW III: Public Policy Drafting

3. Course prefix, number and complete title of course:

4. Catalog course description (not to exceed 50 words):
   Introduction to the various forms of written (and oral) communication encountered in the public policymaking process, particularly in regulated industries; overview of "public policy" and the various communication strategies and skills necessary to participate in the policymaking process.

5. Prerequisite(s):
   One year in law school in the full-time or part-time program, including LAW 7001, LAW 7002

6. Is this a variable credit course? [ ] Yes [x] No
   If yes, from _______ to _______

7. Is this a repeatable course? [ ] Yes [x] No
   If yes, this course may be taken _______ times.
   Will this course be repeated within the same semester? [ ] Yes [x] No

8. Will this course be submitted to the Core Curriculum Council? [ ] Yes [x] No

9. How will this course be graded? [x] Grade [ ] S/U [ ] P/F (CLMT)

10. This course will be:
    a. required for students enrolled in the following degree program(s) (e.g., B.A. in history)
    b. an elective for students enrolled in the following degree program(s) (e.g., M.S., Ph.D. in geography)

J.D. School of Law

11. If other departments are teaching or are responsible for related subject matter, the course must be coordinated with these departments. Attach approval letters.

12. [x] I verify that I have reviewed the FAQ for Export Control Basics for Distance Education (http://vpr.tamu.edu/resources/export-controls/export-controls-basics-for-distance-education)

13. Prefix Course # Title (excluding punctuation)

<table>
<thead>
<tr>
<th>Lect.</th>
<th>Lab</th>
<th>Other</th>
<th>SCH</th>
<th>CP</th>
<th>Fund Code</th>
<th>Admin. Unit</th>
<th>Acad. Year</th>
<th>FICE Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW</td>
<td>7793</td>
<td>LARW III: Pub Policy Drafting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>00</td>
<td>00</td>
<td>0</td>
<td>2</td>
<td>2201010008</td>
<td>1710</td>
<td>16</td>
<td>3 6 3 2</td>
</tr>
</tbody>
</table>

Approval recommended by:
Maxine M. Harrington
Department Head or Program Chair (Type Name & Sign) Date
Wayne Barnes
Chair, College Review Committee Date
Andrew P. Morris
Dean of College Date

Department Head or Program Chair (Type Name & Sign) Date
(if cross-listed course)

Submitted to Coordinating Board by:
Chair, GC or UCC Date

Associate Director, Curricular Services Date

Questions regarding this form should be directed to Sandra Williams at 845-8201 or sandra.williams@tamu.edu.
Curricular Services – 07/14
LAW 7793
LARW-III: DRAFTING FOR PUBLIC POLICY
COURSE OVERVIEW AND SYLLABUS

GENERAL INFORMATION

Professor: Lisa A. Rich
Office: Room 108
Office Hours: Tuesdays, 3:30-5:30
Wednesdays, 2:30-4:00
By appointment & walk-in Office
Phone: (817) 212-3952
E-mail: larich@law.tamu.edu

COURSE OVERVIEW

Welcome to drafting for public policy! According to the American Bar Association, one-eighth of all lawyers practice in the government or public sectors – and even if a lawyer does not practice solely in the public sector their work is impacted by public policy at every turn. Students will learn specifically about the components of written communication in public policymaking and also will participate in various public policymaking exercises to gain familiarity with the process. Students will demonstrate the skills learned through a series of written exercises that will culminate in a “briefing binder” that highlights the various skills they have developed throughout the course.

The course discussion and in-class exercises will focus on answering and exploring various questions associated with writing in public policy.

COURSE DESCRIPTION

This course introduces students to the various forms of written (and oral) communication encountered in the public policymaking process, particularly in regulated industries. In addition to gaining an overview of “public policy,” students will learn about the various communication strategies and skills necessary to participate effectively in the policymaking process.

PREREQUISITE
One year in law school in the full-time or part-time program, including LAW 7001 and LAW 7002
COURSE OBJECTIVES

At the end of this course, students should —

- Have a basic understanding of public policy and what those terms mean;
- Have competency in articulating problems and solutions in a clear, comprehensive, and cohesive manner- both orally and in writing;
- Have a solid understanding about the various types of written and oral communication strategies and techniques in which public policy stakeholders engage;
- Have a solid understanding of legislative and rulemaking processes and how those processes shape public policy that builds upon what they already have learned in Legislation and Regulation;
- Have a portfolio of written work product that demonstrates their skill level and proficiency in drafting various types of “public policy” documents; and
- Have a solid understanding of the role a lawyer plays in the public policy arena and the pressures and expectations that such a lawyer may face in their career.

TEXTBOOK


TEACHING METHOD

This course involves a number of teaching methods including the Socratic method, lecture, problem-based discussions, group and individual work, written and oral exercises, and broad discussion of the material covered. The professor expects students to be prepared for class, including having completed a meaningful review of all material assigned prior to class.

GRADES

This course follows the grading scale and grading policies outlined in Academic Standards 8.1-8.54, which may be found in the Student Handbook.

Grades for this class will be determined based on the following and will be made in accordance with the Texas A&M School of Law curve for classes of this size:

<table>
<thead>
<tr>
<th>Project</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5 percent</td>
</tr>
<tr>
<td>2</td>
<td>10 percent</td>
</tr>
<tr>
<td>3</td>
<td>15 percent</td>
</tr>
<tr>
<td>4</td>
<td>10 percent</td>
</tr>
<tr>
<td>5</td>
<td>20 percent</td>
</tr>
<tr>
<td>6</td>
<td>30 percent</td>
</tr>
<tr>
<td>Class Participation</td>
<td>10 percent</td>
</tr>
</tbody>
</table>
Please note that this class requires interaction and engagement among students and the professor in order to be the most beneficial. Class participation, therefore, is essential. The professor will include in the participation consideration your preparation for class, your engagement in the discussion, your attentiveness to the discussion, and your willingness to engage in the topic being discussed.

CLASSROOM ETIQUETTE AND ATTENDANCE REQUIREMENTS

Guidelines & Policies

You are required to adhere to the attendance policy as outlined in the Student Handbook and to the policies on classroom conduct (see “Code of Conduct”). A student who disrupts the classroom or otherwise interferes with the right of others in the class to learn may be asked to leave the class.

Electronic Devices & Media Access

Research indicates that people retain more information if they “hand write” their notes than if they use computers. Moreover, students tend to spend class time on the Internet rather than paying attention to their professor and/or classmates unless they are “on call.” As such, I encourage you to refrain from bringing a laptop or other electronic device to this class for the purposes of taking notes. If I see that electronic devices are being used in class for anything other than for class purposes, I reserve the right to ban them from class.

Please be sure that all other electronic devices are silenced prior to the start of class. All electronic devices must be removed from your desks during class.

Violations of classroom etiquette could result in your being asked to leave class, resulting in an unexcused absence for that class. Such absences will count toward the maximum allowed allowances.

DISABILITY POLICY

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Assistant Dean of Students, Rosalind Jeffers, Due to the law school’s policy of testing anonymity, students should not discuss their disabilities with professors. For assistance, students should consult with Dean Jeffers. For additional information visit http://law.tamu.edu/current-students/student-affairs/exam-accommodation.
ACADEMIC INTEGRITY STATEMENT AND POLICY

“An Aggie does not lie, cheat or steal, or tolerate those who do.”

“The Aggie Code of Honor is an effort to unify the aims of all Texas A&M men and women toward a high code of ethics and personal dignity. For most, living under this code will be no problem, as it asks nothing of a person that is beyond reason. It only calls for honesty and integrity, characteristics that Aggies have always exemplified. The Aggie Code of Honor functions as a symbol to all Aggies, promoting understanding and loyalty to truth and confidence in each other.”

For more information, go to the Texas A&M University Honor System Rules and Procedures and the law school rules found in the Student Handbook.

PROFESSIONALISM

“The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession’s broader duty to the legal system.

* * * *

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.”

---

READING ASSIGNMENTS

The professor reserves the right to change or supplement the reading assignments listed below.

For each week of class, read the material assigned carefully and in the context of the theme questions. The theme questions will frame the class discussion, in-class exercises, and written assignments completed throughout the semester. Students are expected to have completed the reading and engage actively in the class discussions.

<table>
<thead>
<tr>
<th>Class</th>
<th>Topic &amp; Theme Questions</th>
<th>Reading Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 27, 2015</td>
<td>Public Policy—</td>
<td>Smith Preface, pp.1-18</td>
</tr>
<tr>
<td>1</td>
<td>What is it?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>What are the dynamics of the policymaking process?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>What skills and strategies are needed for successful public policymaking?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>What is “public interest” and how does it relate to public policy?</td>
<td></td>
</tr>
<tr>
<td>September 3, 2015</td>
<td>Communicating in the Process—</td>
<td>Smith 19-37</td>
</tr>
<tr>
<td>2</td>
<td>What are the purposes of policymaking communication?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>What are the different viewpoints that impact policy communication?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>How do stakeholders communicate and to whom?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>How does policymaking writing differ from other types of written communication?</td>
<td></td>
</tr>
<tr>
<td>September 10, 2015</td>
<td>Framing the Problem—</td>
<td>Smith 38-64</td>
</tr>
<tr>
<td>3</td>
<td>How does policy get formed?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Why is defining the “problem” critical to policymaking?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>How does stakeholder viewpoint and interest impact the formulation of the problem?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>How does the definition of the problem impact the formulation of the solution?</td>
<td></td>
</tr>
<tr>
<td>September 17, 2015</td>
<td>Evaluation: Analysis &amp; Advice—</td>
<td>Smith 65-91</td>
</tr>
<tr>
<td>4</td>
<td>As public policy lawyers, what role do you play in communication?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>What critical thinking and critical awareness skills do you need to communicate effectively?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>What is policy discourse and how is it shaped?</td>
<td></td>
</tr>
<tr>
<td>September 24, 2015</td>
<td>Knowing the Record—</td>
<td>Smith 92-118</td>
</tr>
<tr>
<td>5</td>
<td>What is the “record” with respect to public policy?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Who creates “the record”?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Why is good public policy and communication thereof formed by “knowing the record”?</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Topic</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>October 1 &amp;</td>
<td>Position Papers: Knowing &amp; Articulating the Issues—</td>
<td>Smith 119-60</td>
</tr>
<tr>
<td>8, 2015</td>
<td>• What is a position paper?</td>
<td></td>
</tr>
<tr>
<td>6 – 7</td>
<td>• What is the purpose of a position paper?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• What considerations go into the drafting of a position paper?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• What types of arguments go into a position paper?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How do position papers incorporate skills learned throughout the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>legal writing curriculum?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Are position papers the same as “white papers” and reports? If not,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>why not?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How do you craft a “white paper”?</td>
<td></td>
</tr>
<tr>
<td>October 15 &amp;</td>
<td>Communication, Persuasion &amp; Public Policy: Evaluating What Works—</td>
<td>Materials to be assigned</td>
</tr>
<tr>
<td>22, 2015</td>
<td>• What makes good writing?</td>
<td></td>
</tr>
<tr>
<td>8 – 9</td>
<td>• What words best communicate a position?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• What words best communicate core concepts?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How do you maximize brevity and impact?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How does your written communication support and promote your oral</td>
<td></td>
</tr>
<tr>
<td></td>
<td>communication and vice versa?</td>
<td></td>
</tr>
<tr>
<td>October 29,</td>
<td>Briefing Memoranda &amp; Opinion Statements—</td>
<td>Smith 162-73</td>
</tr>
<tr>
<td>2015</td>
<td>• What are the purposes of a briefing memorandum?</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>• What kinds of information are necessary to a policymaker/stakeholder?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How does your target audience impact the content of a briefing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>memorandum?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How do briefing memoranda and opinion statements differ?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How does tone impact the readability of a document?</td>
<td></td>
</tr>
<tr>
<td>November 5 &amp;</td>
<td>Testimony: Preparing Impactful Hearing Testimony—</td>
<td>Smith 173-90</td>
</tr>
<tr>
<td>12, 2015</td>
<td>• What are the purposes served by receiving testimony in a hearing</td>
<td></td>
</tr>
<tr>
<td>11 – 12</td>
<td>setting?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• What are the procedures associated with testifying before a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>governmental body?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• If a body is split among political parties, how does that impact</td>
<td></td>
</tr>
<tr>
<td></td>
<td>your role as a witness?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• As a witness, what types of testimony must be prepared?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How do you prepare yourself or your principal for the Q&amp;A portion</td>
<td></td>
</tr>
<tr>
<td></td>
<td>of the hearing?</td>
<td></td>
</tr>
<tr>
<td>November 19</td>
<td>The APA &amp; Agency Rulemaking Process—</td>
<td>Smith 191-207</td>
</tr>
<tr>
<td>&amp; 30, 2015</td>
<td>• What is the APA?</td>
<td></td>
</tr>
<tr>
<td>13 &amp; 14</td>
<td>• Who/what is covered by the APA’s requirements?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• How does the APA interact and impact policymaking?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• What are the purposes and machinations of the “notice and comment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>process”?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• What types of “comments” can be made to agencies with respect to</td>
<td></td>
</tr>
<tr>
<td></td>
<td>their rulemaking?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• What are the goals of written communication in the APA setting?</td>
<td></td>
</tr>
</tbody>
</table>
PROJECTS

The various written assignments completed throughout this course follow the material covered in the textbook and result in students having a binder of material that tracks the formation and implementation of their policy.

Project due dates are listed below but the professor reserves the right to change assignment and due dates depending on the flow of the course.

Unless otherwise indicated, all projects will be due via TWEN upload no later than 10:00 p.m. on the date assigned.

Project 1: Overview Memorandum To Supervisor (2 pages)
Students will prepare a concise memorandum to a supervisor about an assigned policy issue that outlines (frames) the issue and explains why policy addressing the issue is appropriate. This assignment will be accompanied by a “bibliography” of sources cited and a list of follow-up questions you have.2

<table>
<thead>
<tr>
<th>Concepts covered:</th>
<th>Framing the Issue/Identifying the Problem/Proposing Possible Policy Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Assigned:</td>
<td>September 10, 2015</td>
</tr>
<tr>
<td>Date Due:</td>
<td>September 16, 2015</td>
</tr>
</tbody>
</table>

Project 2: Updated Initial Memorandum (5 pages)
Update of the initial memorandum to supervisor that includes research about the topic, identifies other stakeholders and interest groups, including their positions, identifies next steps in the research process, identifies potential witnesses on the topic, and makes a recommendation about the shape of the proposed policy solution. This project will be accompanied by an email to the supervisor.

<table>
<thead>
<tr>
<th>Concepts covered:</th>
<th>Evaluating the Issue/Knowing the Record</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Assigned:</td>
<td>September 24, 2015</td>
</tr>
<tr>
<td>Date Due:</td>
<td>September 30, 2015</td>
</tr>
</tbody>
</table>

Project 3: Draft Position Paper (2-3 pages)
Students will prepare a draft position paper based on an assigned issue and facts that demonstrates their ability to identify a problem, synthesize information, and propose a public policy solution in a clear, concise and cohesive fashion.

<table>
<thead>
<tr>
<th>Concepts covered:</th>
<th>Those from Project 1 &amp; 2/Knowing and Articulating the Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Assigned:</td>
<td>October 8, 2015</td>
</tr>
<tr>
<td>Date Due:</td>
<td>October 14, 2015</td>
</tr>
</tbody>
</table>

2 These questions will become part of your next assignment so be sure to hang on to them. ;)

7
Project 4: Note Taking and Hearing Memo to Supervisor (no page limit)
Students will watch a legislative hearing of their choice taking notes on what they see, including paying attention to all aspects of the hearing from opening statement to witness responses in Q&A and prepare a hearing summary for their supervisor on the hearing based on the notes taken (notes will also be submitted). This project will be accompanied by an email to the supervisor.

Concepts covered: How To Listen/How To Read Body Language/Understanding The Format And Formalities Of Legislative & Rulemaking Hearings

Date Assigned: October 22, 2015
Date Due: October 28, 2015

Project 5: “One Pager” & Hearing Testimony – Preparation for a Hearing (recommended 5 pages for Oral Statement; all caps/double-spaced! PLUS YOUR ONE-PAGER)
Students will prepare a written oral statement that properly—and with impact—summarizes what would be included in full written hearing testimony. In addition, students will prepare “one-pagers” focused on their topic that further summarize the positions and points they wish to make on behalf of their client. Students may be asked to present their oral statements and/or share their one-pagers in class.

Concepts covered: Communication/Persuasion/Preparing Impactful Testimony

Date Assigned: November 12, 2015
Date Due: November 19, 2015
* This project will be due in hard copy at the beginning of class*

Project 6: Rulemaking Comment (10-15 pages)
Students will prepare a comment on a rule that demonstrates their understanding of the rulemaking process and the role of public comments in that process.


Date Assigned: November 30, 2015
Date Due: Last Day of Finals 2015
Texas A&M University
Departmental Request for a New Course
Undergraduate • Graduate • Professional
• Submit original form and attach a course syllabus.

Form Instructions
1. Course request type:
   [ ] Undergraduate  [ ] Graduate  [ ] First Professional (DDS, MD, JD, PharmD, DVM)

2. Request submitted by (Department or Program Name):
   Select or Type Department/Program Name School of Law
   LAW-7851S Wills & Estates Clinic

3. Course prefix, number and complete title of course:

4. Catalog course description (not to exceed 50 words):
   Real-world experience in handling the estate planning needs of low-income clients; under the supervision of licensed attorneys, interview clients, draft documents including wills, powers of attorney, health care advance directives and other instruments; may handle probate matters.

5. Prerequisite(s):
   One year in law school in the full-time or part-time program; LAW 7076

   Cross-listed with:

   Stacked with:

   Cross-listed courses require the signature of both department heads.

6. Is this a variable credit course?  [ ] Yes  [ ] No
   If yes, from ___ to ___

7. Is this a repeatable course?  [ ] Yes  [ ] No
   If yes, this course may be taken ___ times.

   Will this course be repeated within the same semester?  [ ] Yes  [ ] No

8. Will this course be submitted to the Core Curriculum Council?  [ ] Yes  [ ] No

9. How will this course be graded?:  [ ] Grade  [ ] S/U  [ ] P/F (CLMD)

10. This course will be:
    a. required for students enrolled in the following degree program(s) (e.g., B.A. in history)
    b. an elective for students enrolled in the following degree program(s) (e.g., M.S., Ph.D. in geography)

    J.D. School of Law

11. If other departments are teaching or are responsible for related subject matter, the course must be coordinated with these departments. Attach approval letters.

12. [ ] I verify that I have reviewed the FAQ for Export Control Basics for Distance Education (http://vpr.tamu.edu/resources/export-controls/export-controls-basics-for-distance-education).

13. Prefix  Course #  Title (excluding punctuation)
    LAW  7851S  Wills & Estates Clinic

    Lect.  Lab  Other  SCH  CIP and Fund Code  Admin. Unit  Acad. Year  HCE Code
    3  00  00  3  2201010008  1710  16  -  17  0  0  3  6  3  2

    Approval recommended by:
    Maxine M. Harrington  Wayne Barnes
    Department Head or Program Chair (Type Name & Sign)  Date
    Chair, College Review Committee

    Department Head or Program Chair (Type Name & Sign)  Date
    (if cross-listed course)
    Andrew P. Morrise  Dean of College  Sept. 29, 2015

    Submitted to Coordinating Board by:
    Chair, GC or UCC

    Date  Effective Date

Questions regarding this form should be directed to Sandra Williams at 845-8201 or sandra.williams@tamu.edu.
Curricular Services – 07/14
Wills and Estates Clinic  
Texas A&M University School of Law  
1515 Commerce Street  
Fort Worth, Texas 76102

1. Course Information:

   LAW-7851S, CRS 26408, 2 hours credit  
   Thursdays, 4-5:50 pm, Spring Semester 2015  
   Room 106

2. Instructor Information:

   Christopher J. Parvin                                         Monica A. Benson
   Board Certified, Estate Planning & Probate                   Certified Elder Law Attorney
   Emmert & Parvin, LLP                                         Katten & Benson, Attorneys at Law
   1701 N. Market Street, Ste. 404                             4763 Barwick Drive, Ste. 100
   Dallas, Texas 75202                                          Fort Worth, Texas 76132
   (469) 607-4503 Direct Voice                                  (817) 263-5190 Office Telephone
   (214) 475-1200 cell                                          mbenson@kattenbenson.com
   chris@emmertparvin.com                                       monicabenson@gmail.com
   www.parvinlaw.com                                             www.kattenbenson.com

   Both of us have day jobs, but we will do our best to be available for questions and concerns.

3. Course Description and Prerequisites:

   Designed to provide real-world experience, this course allows students the opportunity to assist low-income senior citizens with completion of their simple estate plans. Under the supervision of attorney-professors, students participating in this clinic will interview clients, draft estate planning documents and assist their clients with the execution of their estate plans.

   Prerequisites: One year of law school in the full-time or part-time program; Wills and Estates.

4. Textbook and Other Instructional Materials:

   (Thomson-West, 2014)

5. Course Objectives:

   * Assist student participants in learning how to properly explain estate planning documents and strategies for use with clients;
• Provide students the experience of interviewing clients and identifying specific estate planning needs and strategies for use with the client;

• Provide students the opportunity to professionally interact with clients;

• Provide students the know-how to correctly prepare and execute estate planning documents with clients.

6. Course Grading and Attendance:

This is a pass/fail course. Students must demonstrate a proficiency in the above Course Objectives to obtain a passing grade. Participation is mandatory in all aspects of the Clinic (including classroom exercises, interviewing clients, drafting documents and execution of documents with clients).

Attendance is mandatory and roll will be taken. Students are solely responsible for ensuring their attendance in class is recorded. You are required to adhere to the attendance policy as outlined in Texas A&M University School of Law Student Handbook. Since the Clinic deals with actual clients, students will not be allowed to drop the course after the second week. Students who do not participate or otherwise show up for all classes and course meetings will be given a failing grade.

There is no final exam for this class.

7. Class Schedule and Assignments:

Professors are providing this schedule as a general outline. Professors reserve the right to alter, amend or revise this schedule at their sole, absolute and unreviewable discretion.

<table>
<thead>
<tr>
<th>Date of Class</th>
<th>Topic</th>
<th>Instructor</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 15, 2015</td>
<td>Overview of Class</td>
<td>Parvin &amp; Benson</td>
</tr>
<tr>
<td></td>
<td>Professionalism and Ethics</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Execution of Documents</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coordination with other assets</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Identifying special issues</td>
<td></td>
</tr>
<tr>
<td>January 22, 2015</td>
<td>Interview Skills</td>
<td>Parvin &amp; Benson</td>
</tr>
<tr>
<td></td>
<td>Mock Interviews</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Overview of Community &amp; Separate Property</td>
<td></td>
</tr>
<tr>
<td>January 29, 2015</td>
<td>Wills and Statutory Durable Powers of Attorney</td>
<td>Parvin</td>
</tr>
<tr>
<td>February 5, 2015</td>
<td>Medical Power of Attorney and Advance Directives</td>
<td>Benson</td>
</tr>
<tr>
<td>February 12, 2015</td>
<td>Presentation Preparation</td>
<td>Parvin &amp; Benson</td>
</tr>
<tr>
<td>February 19, 2015</td>
<td>Presentations and Critique</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Create Master Presentation</td>
<td></td>
</tr>
</tbody>
</table>
9. Disability Policy:

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Assistant Dean of Students, Rosalind Jeffers. Due to the law school’s policy of testing anonymity, students should not discuss their disabilities with professors. For assistance, students should consult with Dean Jeffers. For additional information visit http://law.tamu.edu/current-students/student-affairs/exam-accommodation.

10. Academic Integrity Statement and Policy:

"An Aggie does not lie, cheat or steal, nor tolerate those who do." Please remember that your actions are governed by the Texas A&M University Honor System Rules and Procedures and the law school’s honor systems rules in the Student Handbook.

11. Statement on Professionalism:

"What is Professionalism? Professionalism is conduct consistent with the tenets of the legal professional as demonstrated by a lawyer’s civility, honesty, integrity, character, fairness, competence, ethical conduct, public service, and respect for the rule of law, the courts, clients, persons who work within the legal profession, witnesses and unrepresented parties."

Commission on Professionalism, State Bar of New Mexico. Available at: http://www.nmbar.org/Attorneys/commissiononprofessionalism.html.

As our class will be interacting with actual clients, it is important that each student recognize his/her appearance, conduct and preparation reflects not only on the student-lawyer in question but also Texas A&M University Law School and the profession of law, in general. In interacting with clients, each participant will be expected to be present themselves (and their work) with the utmost professionalism, care and diligence.

12. Class Rules (from the Professors):

- No cell phone, social media, email or other distractions in class or dealing with clients. This is a “real” law firm environment and you will be expected to act accordingly.

- This class is all about gaining experience. No question is dumb or should be avoided. If you want to ask any question, please do.

- Finish what you start. As we are dealing with actual clients, we have an ethical duty to them to correctly complete the work we promise to perform.