

Fall Semester of the First Year

	Credit-Hours
Regulation of Economic Activity: Real Property Law	4
Modern Methodology	3
Social Decision-Making: Judicial	3
Clinical Project/Legal Method Seminar	3
Student Workshop	1
Legal Education and the Profession	<u>1</u>
TOTAL	15

Spring Semester of the First Year

Criminal Justice Process	4
Regulation of Economic Activity: Contracts	3
Social Decision-Making: Non-Judicial	3
Clinical Project/Legal Method Seminar	3
Student Workshop	1
Legal Education and the Profession	<u>1</u>
TOTAL	15

Individual course descriptions follow.

Regulation of Economic Activity: Real Property Law (4)**Gordon**

An introduction to the law of real property. The course will focus on three fundamental topics: first, the nature and formation of interests in land; second, the landlord and tenant relationship; third, the regulation of land resource use by private and public ordering. An historical perspective will be developed through the use of material relating to the history of English and Hawaii land law. Students will be expected to take away from the course the basic information, perceptions, and analytic abilities necessary to deal with current problems in the allocation and use of land and in the development of an approach to the regulation of resources associated with land—such as water and air—including pollution control.

Modern Methodology (3)**Hopkins**

An introduction to some fundamental concepts, principles, and techniques of scientific method. Topics to be explored include hypothesis formulation or model building, mathematical reasoning, empirical test design, data collection, sampling, statistical inference, measures of association, and computer science. Considerable attention will be given to the practical difficulties and epistemological quandries of empirical enquiry. The course will also explore the significance of semantics and symbolic logic for lawyers. Topics here will include the nature of legal “rules”, legal “fictions”, and “normative ambiguity”. The ultimate concern throughout will be the possibility of *applying* scientific method in the business of lawyering—for example, in the prediction of court decisions and the presentation of evidence to a jury or legislative committee. In this connection, some effort will be made to deal with methodological problems that arise in the Clinical Project/Legal Method seminars.

Criminal Justice Process (4)II**Cohen**

An exploration, using actual or simulated problems, of the creation, rationales, enforcement, and effects of the criminal law. A major theme will be the tension between the need for protection against harmful deviant behavior, on the one hand, and the need to protect the rights of the accused, on the other. On the procedural side, considerable attention will be given to the first ten amendments to the Federal Constitution. Substantive topics will include crimes of interpersonal violence, crimes against property, victimless crimes and—at least by way of comparison—international war crimes. Students will be expected to develop a working knowledge of Hawaii’s criminal justice system.

Regulation of Economic Activity: Contracts (3)II**Kiang**

A critical examination of government intervention in “contractual” disputes—those in which someone seeks to transfer the economic costs of unrealized expectations to another party whose “promissory” behavior helped to create such expectations. This will involve a study of how “legally binding” contracts are created and enforced, and also an examination of the political-economic contexts or “market places” wherein contracts are made. An important goal of the course will be to provide a solid grounding in the basic general principles of American contract law. In addition, some attention will be given to the law governing particular types of contracts such as agreements for the sale of goods, construction contracts, and business franchise agreements. In order to develop a comparative perspective, some reference will be made to foreign and international contract law.

Social Decision-Making (3-3)Yr.**Miller, Hood, Hopkins**

This two-semester course will deal with the perennial constitutive issues of human social life: who should decide what questions, according to what procedures, utilizing what resources, provided by whom, with what effects, on whom? The objective will be to develop an ability to understand, influence, and improve the workings of the many decision-making institutions—“private” as well as “public”—which lawyers encounter in their daily work. A wide range of such institutions will be surveyed at long range, and some will be selected for intensive study. Each instance of intensive study will involve, among other things, identifying the persons and modes associated with the performance of various decision-making functions: informing, recommending, prescribing, invoking, applying, appraising, and terminating. Considerable effort will be made to enrich the analysis with relevant material

from fields such as decision theory, communications theory, social psychology, and systems analysis.

The first semester portion of the course, entitled *Judicial Decision-Making*, will focus on the organization, staffing, jurisdiction, and procedures of courts and “quasi-judicial” bodies such as administrative agencies and arbitration panels. Subtypes within each category will be differentiated—for example, trial and appellate, civil and criminal, state and federal, national and international courts. Students will be expected to develop a working, practical knowledge of the Hawaii and Federal Rules of Civil (court) Procedure.

The second semester portion of the course, entitled *Non-Judicial Decision-Making*, will treat constitutional and legislative decision-making institutions (local, national, and international). It will also examine decision-making in private organizations such as political parties, universities, business corporations, labor unions, and community associations. Among other things, students will be expected to become familiar with federal constitutional law regarding judicial review and the separation of powers.

Clinical Project/Legal Method Seminar (3-3)Yr. Cohen, Gordon, Hopkins, Kiang, Miller

This seminar will provide closely supervised exposure to the everyday work of lawyers. It will also serve as the primary vehicle for synthesis and application of knowledge acquired in other courses, for skills development, and for psychological support. With respect to skills, each seminar instructor (working with the Law School's Librarian) will seek—among other things—to ensure that every student in his group quickly learns how to research and analyze statutes and judicial opinions. Each seminar group will consist of about 12 students, one faculty member, and a local attorney. Each group will undertake, hypothetically if not actually, to advise a different disputant in one or more current disputes. These might include, for example, a dispute involving land use and development, a criminal prosecution, or a contractual dispute concerning money owed on the purchase of an automobile. Each group will try to arrange meetings with its (hypothetical or actual) clients, technical experts, government officials, and others. It will plan and conduct library and field research. It will draft pleadings, motions, briefs, agreements, legislation, etc., as appropriate.

Methods of Effective Legal Research

Dupont

This area of instruction will be integrated into the work of the Clinical Project/Legal Method seminars. The objective will be to investigate methods of exploiting the full range of legal and related literature. Emphasis will be placed on legal research as an aid in the solution of particular legal questions and also as a means of long-run self-education. Bibliographic facts and techniques will be introduced in a sequence calculated both to illustrate the immediate subject matter and to develop an overview of the materials available. The initial effort will be to familiarize students with the sources and bibliographic tools which provide access to legislative, administrative, and judicial primary decisional output. Subsequent problems and exercises will involve the more esoteric auxiliary aids as well as commercially available tools developed by legal publishers in various fields to facilitate and expedite research.

Student Workshop (1-1)Yr.

Students

An opportunity for students to program part of their learning process and, in so doing, to experience and learn about problems of group decision-making. Students may choose to expose and examine law-related issues by a variety of devices including discussion and debate, audio-visual materials, or field experience—to mention but a few possibilities. They may or may not choose to utilize the services of law school faculty or other persons inside or outside the University. Minimal requirements for the award of academic credit will be determined by students, subject to faculty review.

Legal Education and the Profession (1-1)Yr.

Hood

This course is intended to stimulate systematic reading, reflection, and debate concerning the following questions:

1. What will and what should lawyers be doing five to twenty years from now, in what contexts, subject to what constraints, for what compensation, provided by whom?

ACADEMIC INFORMATION

2. What personal characteristics, intellectual equipment, and ethical norms should they have?
3. What are and what should be the objectives and methods of law students and faculties today?

The premise of the course is that law students, law teachers and lawyers should regularly examine and evaluate what they do.